



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Shimon Weiss

Appl. No.: 10/561,448

Confirmation No.: 8178

Filed: December 20, 2005

For: MODULATED EXCITATION
FLUORESCENCE ANALYSIS

Art Unit: 2877

Examiner: F.L. Evans

Atty. Docket No.: 58086-226455

Customer No.
26694

PATENT AND TRADEMARK OFFICE

DECLARATION UNDER 37 C.F.R. § 1.131

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, being duly warned, declare the following:

1. I am a co-inventor of the subject matter described and claimed in the above-identified U.S. patent application. I have reviewed the claims of this application as currently amended.

2. I understand that the Office Action dated November 30, 2007 rejected the examined claims of this patent application under 35 U.S.C. § 102(a) over published German patent application Publication No. DE 10210737 A1 by Krieger et al. that published March 20, 2003.

3. I, together with my co-inventors, conceived the invention described and claimed in at least independent claims 1 and 21 of this application, and reduced it to practice, prior to the March 20, 2003 publication date of the cited reference. Our prior invention is evidenced by a copy of a presentation by one of the co-inventors, Achillefs Kapanidis, at the Single-Molecule Biophysics Conference in Aspen, CO on January 7, 2003, (copy attached as Exhibit A).

4. As documented by Exhibit A, my co-inventors and I conceived the invention of at least current independent claims 1 and 21, and reduced it to practice, prior to January 7, 2003.

5. The acts described above in paragraphs 3 and 4 were carried out in the United States of America, or else in a WTO member country.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

Shimon Weiss

Date

Achillefs Kapanidis

Date

Ted A. Laurence

Date

5/27/08

Nam K. Lee

Nam K. Lee

Atty. Docket No.: 58086-226455
#958480

Declaration Under 37 C.F.R. § 1.131

Page 3 of 4

Exhibit A

*Molecular Machines at Work:
Single-Molecule Analysis of Transcription by RNA Polymerase
Achillefs Kapanidis (Shimon Weiss' group, UCLA)*

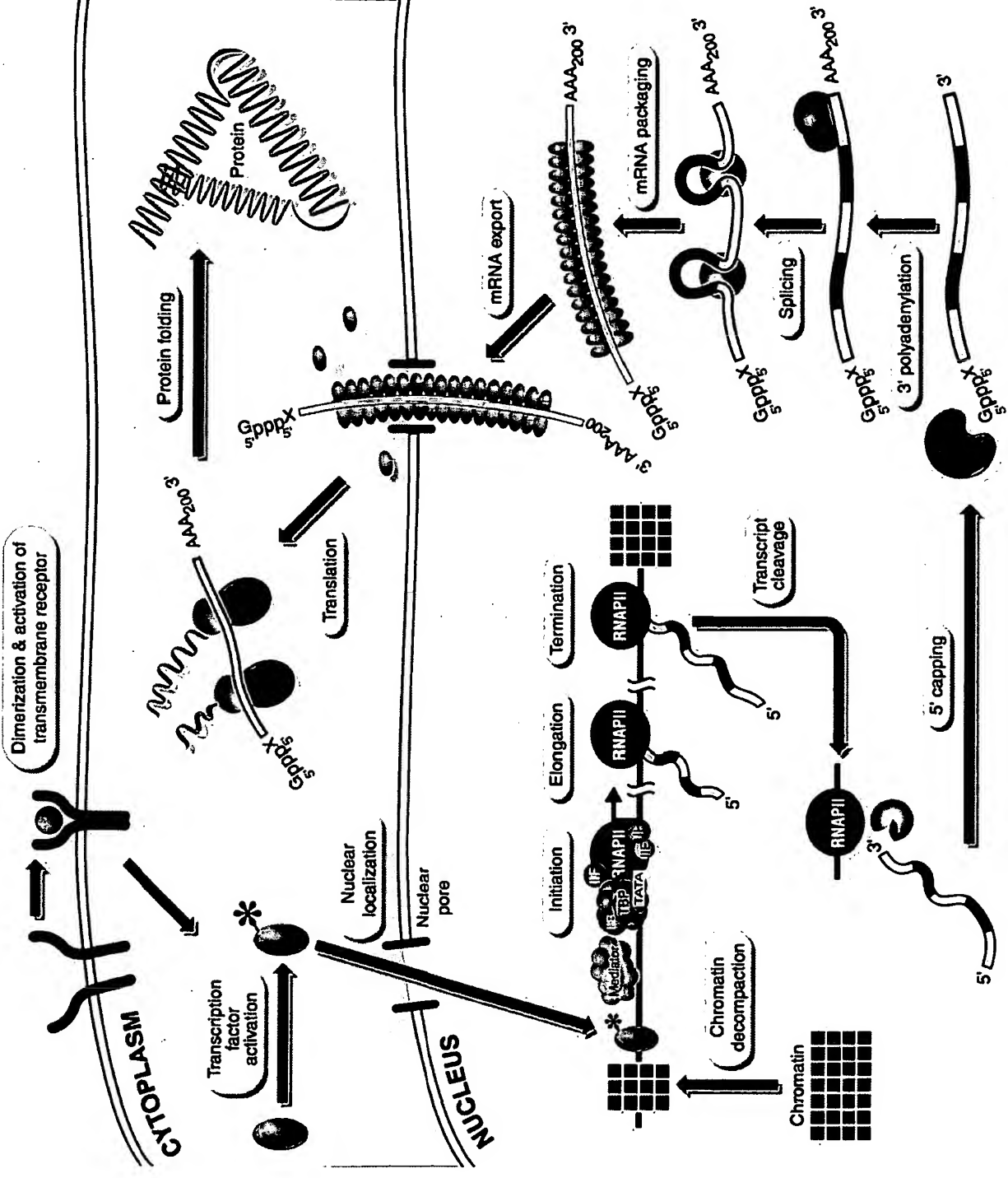


Core RNA polymerase (Darst lab)

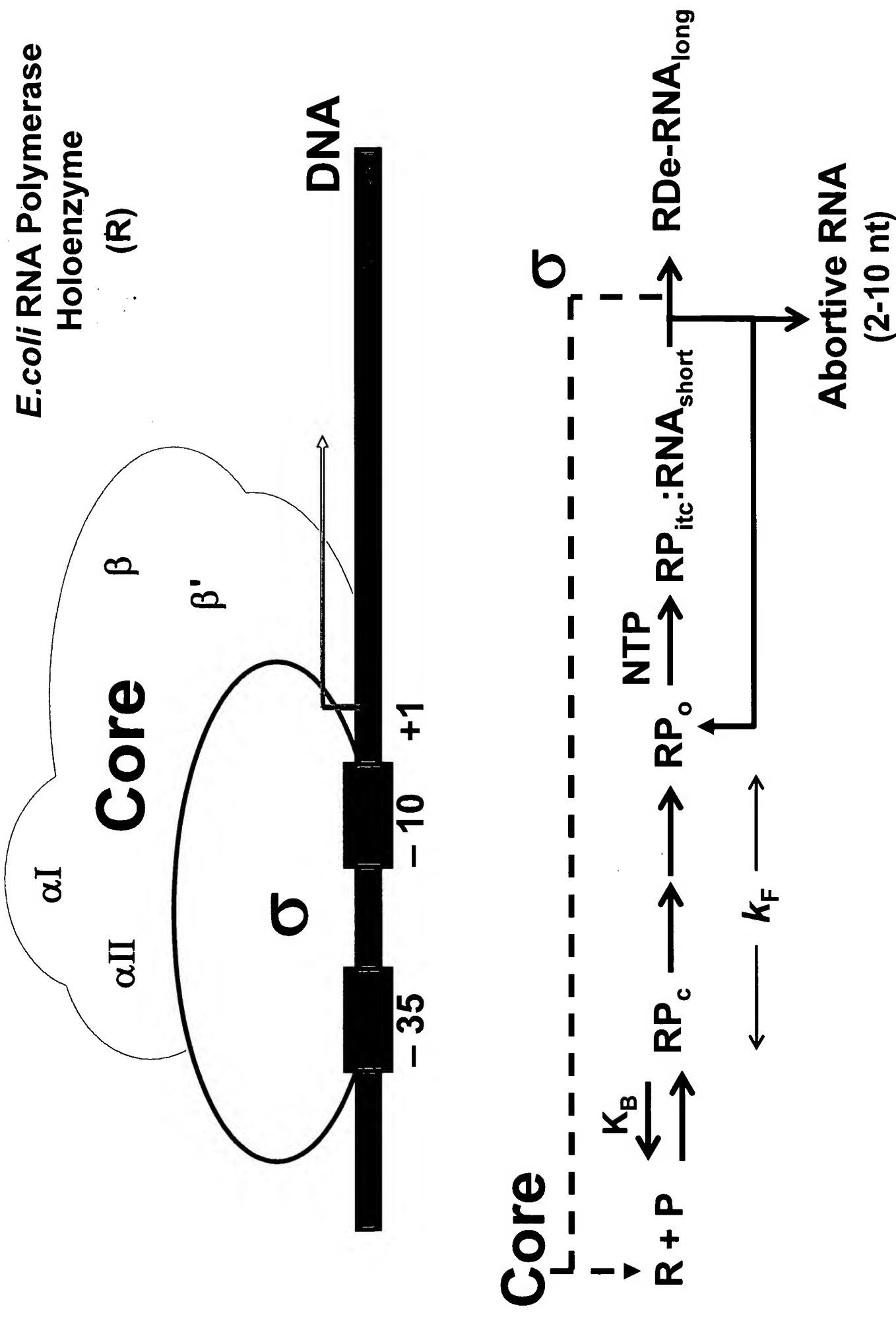
Single-Molecule Biophysics Conference: Aspen, Jan.7, 2003

GENE EXPRESSION:

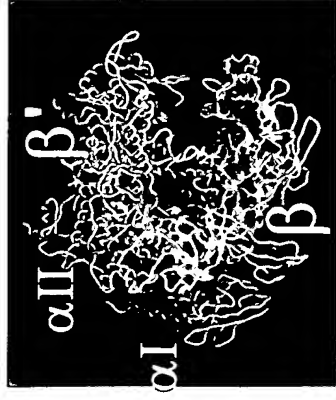
The path from gene to protein



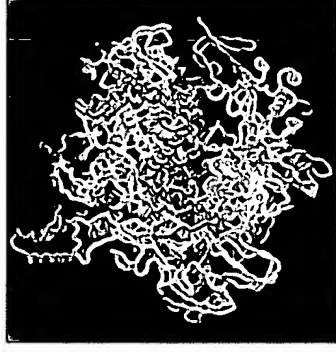
TRANSCRIPTION INITIATION



STRUCTURAL ASPECTS OF TRANSCRIPTION



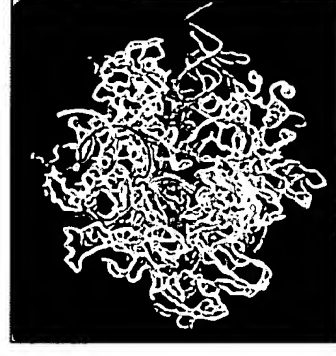
RNAP core ($\alpha_2\beta\beta'$)



RNAP holoenzyme
(core + σ)



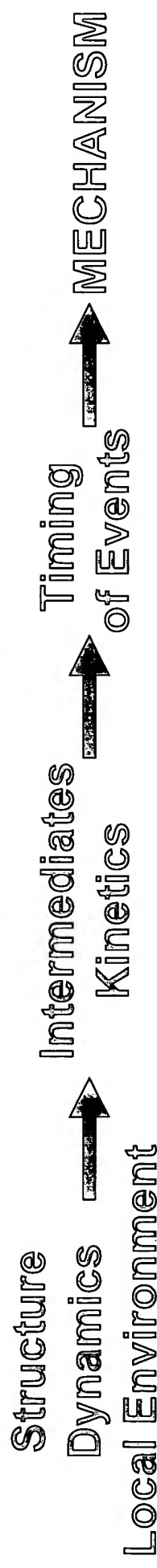
RP₀



RD_e (model)

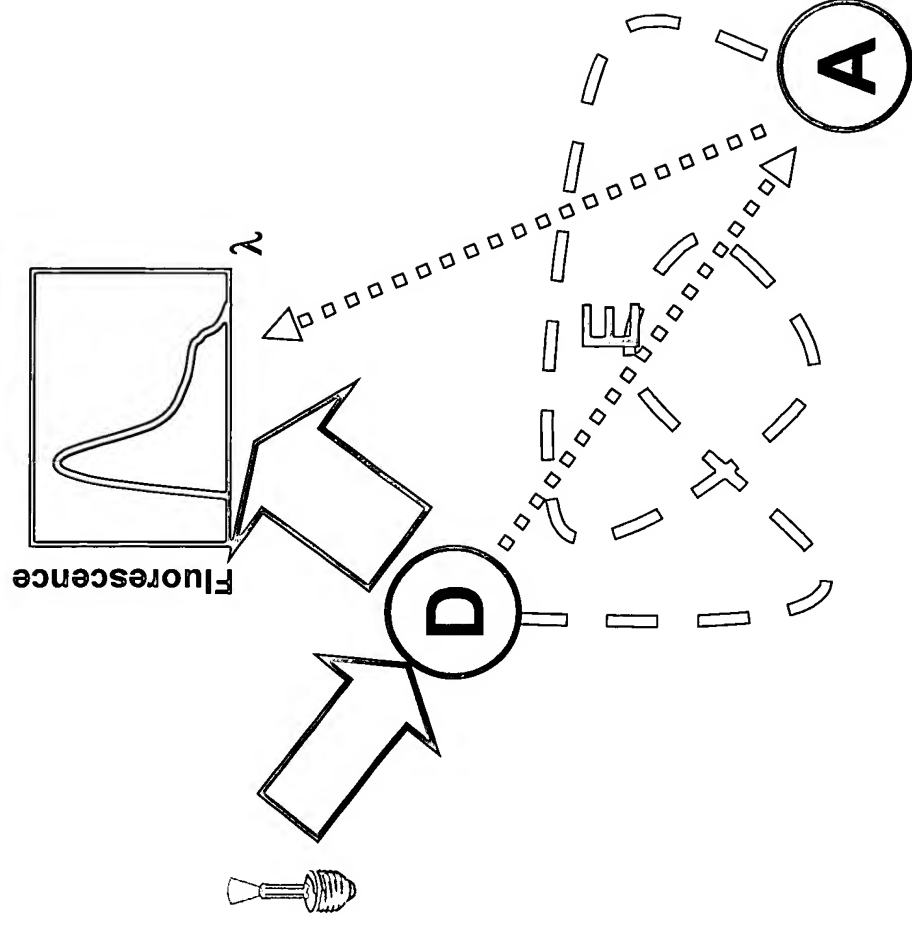
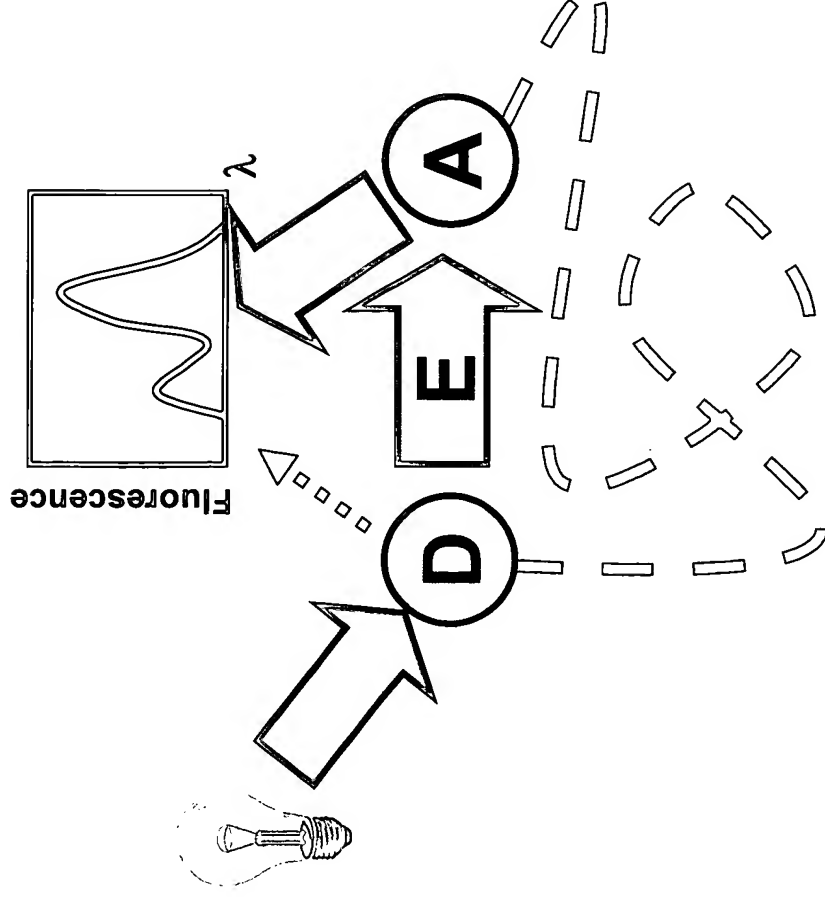
X-ray structures → static snapshots of the machine

SMD: "movie" of the dynamic process



FÖRSTER RESONANCE ENERGY TRANSFER (FRET):

A "MOLECULAR RULER" FOR THE 2-10 nm REGIME



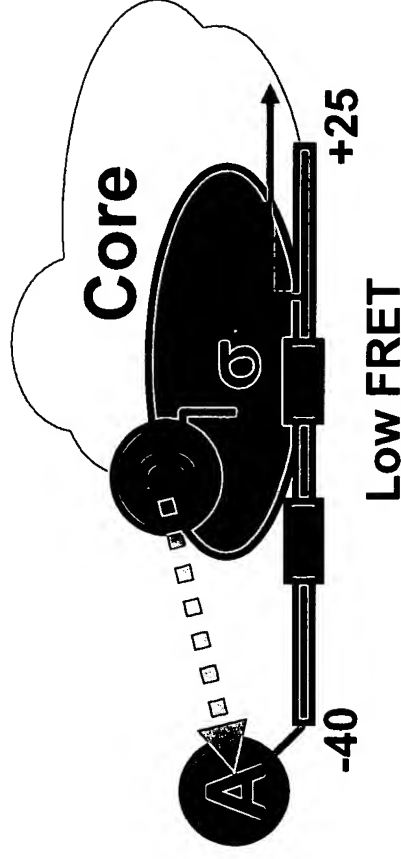
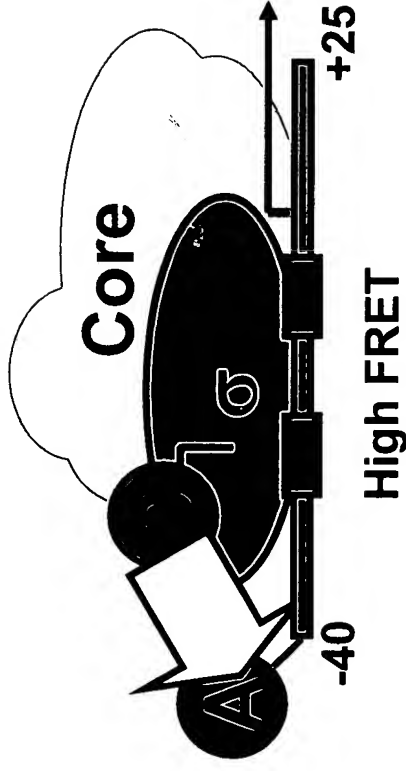
FRET Efficiency, $E = [1 + (R/R_0)^6]^{-1}$

R = D-A Distance

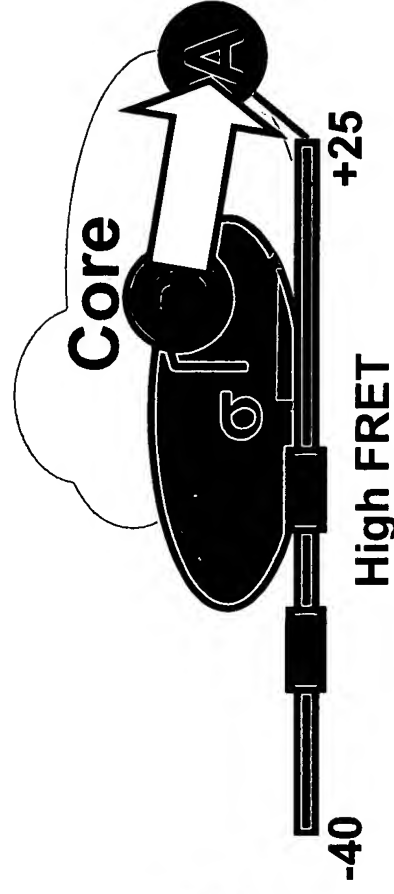
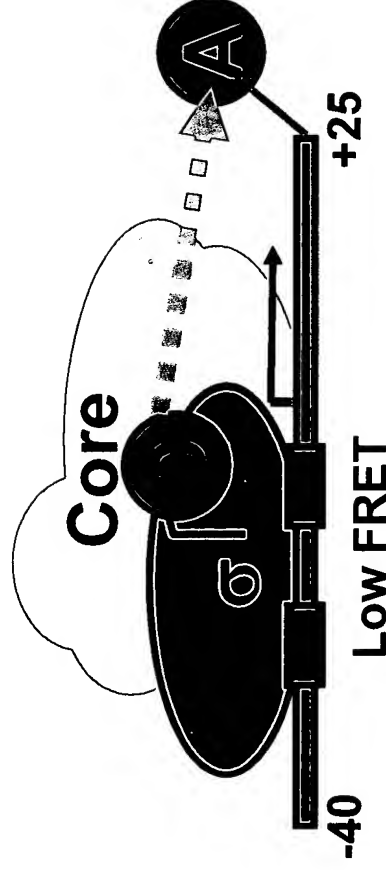
TRAILING-EDGE and LEADING-EDGE FRET:

Assay of translocation of a protein relative to a nucleic acid

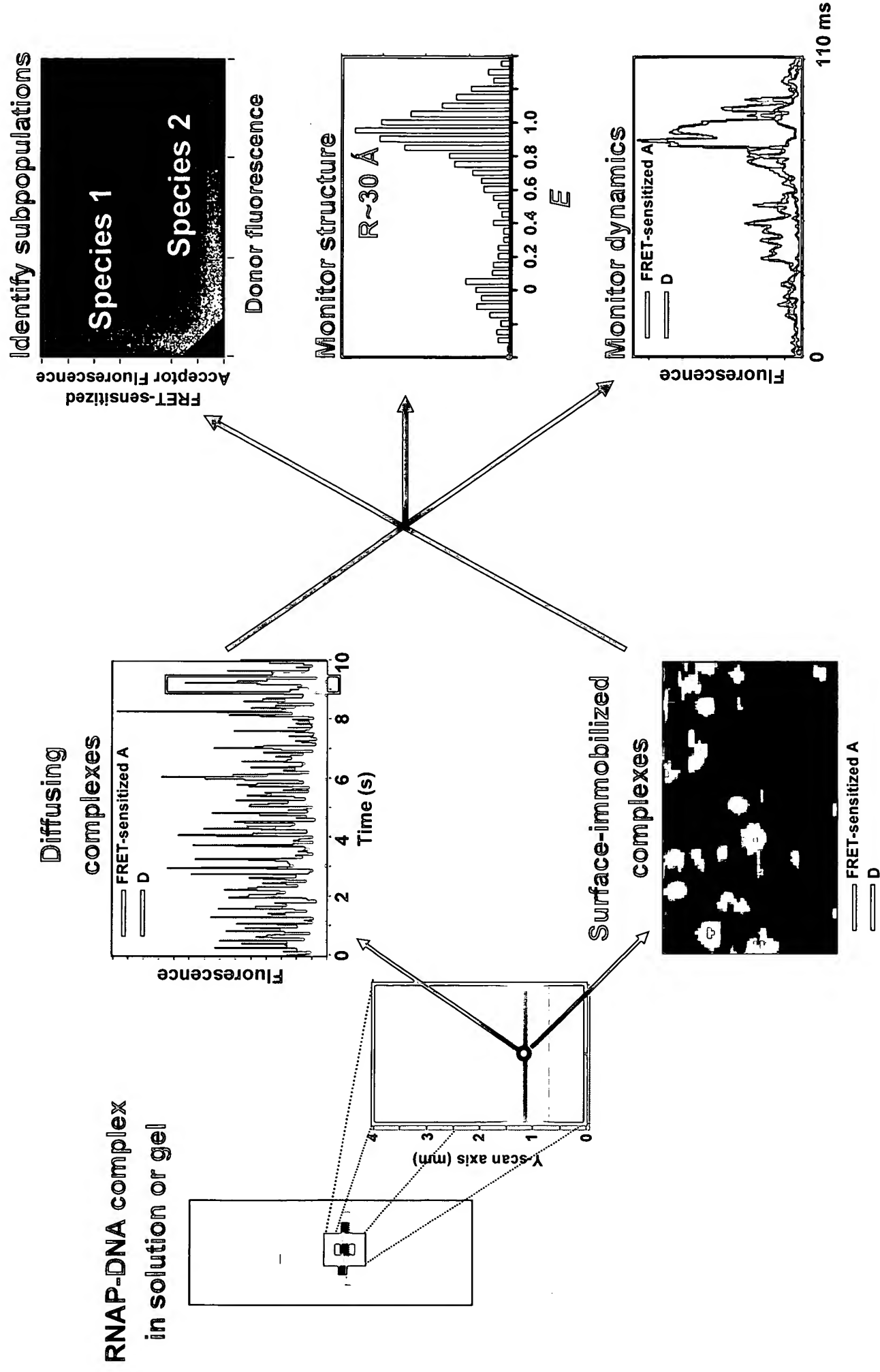
Trailing-edge FRET



Leading-edge FRET



sp-FRET ON RNAP-DNA COMPLEXES

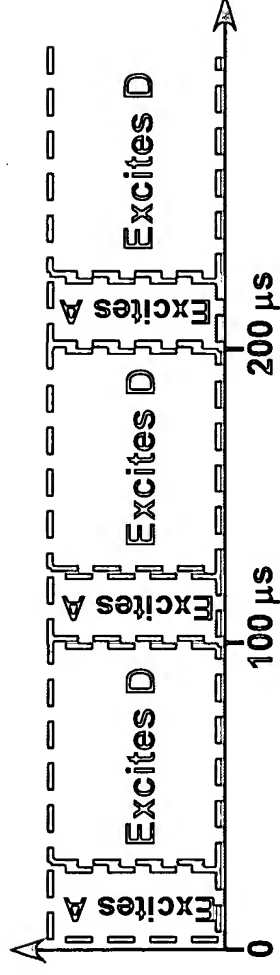


LIMITATIONS OF SINGLE-LASER EXCITATION spFRET

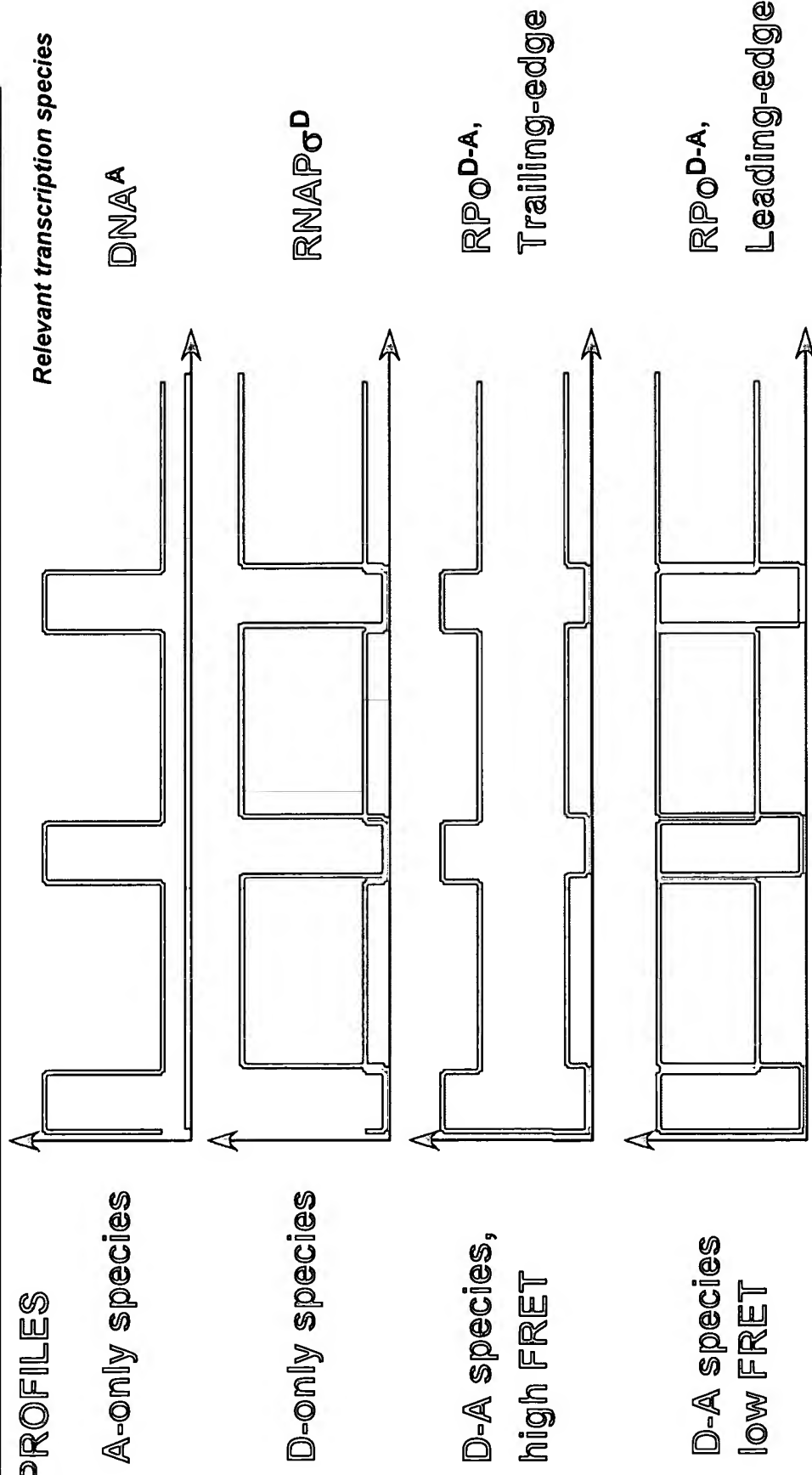
- Complex FRET Acceptor photophysics
 - "Dark" states → D-only peak
 - Photobleaching → D-only peak
 - Intermittency ("Blinking")
- Complex FRET Donor photophysics
 - Intermittency
 - Transient QY changes
- Limited discrimination ability in the FRET coordinate
 - FRET range of 0-0.3 not easily accessible
- Variable fluorescence contamination
 - Adds variable counts to D-only peak

sp-FRET USING ALTERNATE LASER EXCITATION (ALEX)

EXCITATION PROFILE



EMISSION PROFILES



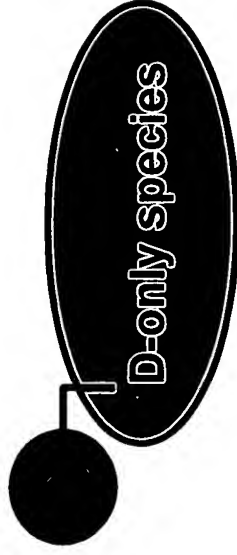
EQUATIONS

Energy transfer ratio (E)

$$E = \frac{F_{670\text{em}, 514\text{ex}}^{\text{DA}}}{F_{670\text{em}, 514\text{ex}}^{\text{DA}} + F_{580\text{em}, 514\text{ex}}^{\text{DA}}}$$

ALEX-based ratio (ALEX)

$$\text{ALEX} = \frac{F_{514\text{ex}}}{F_{514\text{ex}} + F_{638\text{ex}}} = \frac{F_{670\text{em}, 514\text{ex}} + F_{580\text{em}, 514\text{ex}}}{F_{670\text{em}, 514\text{ex}} + F_{580\text{em}, 633\text{ex}}}$$



$$\text{ALEX} = \frac{0+100}{0+100+0} \sim 1.0$$

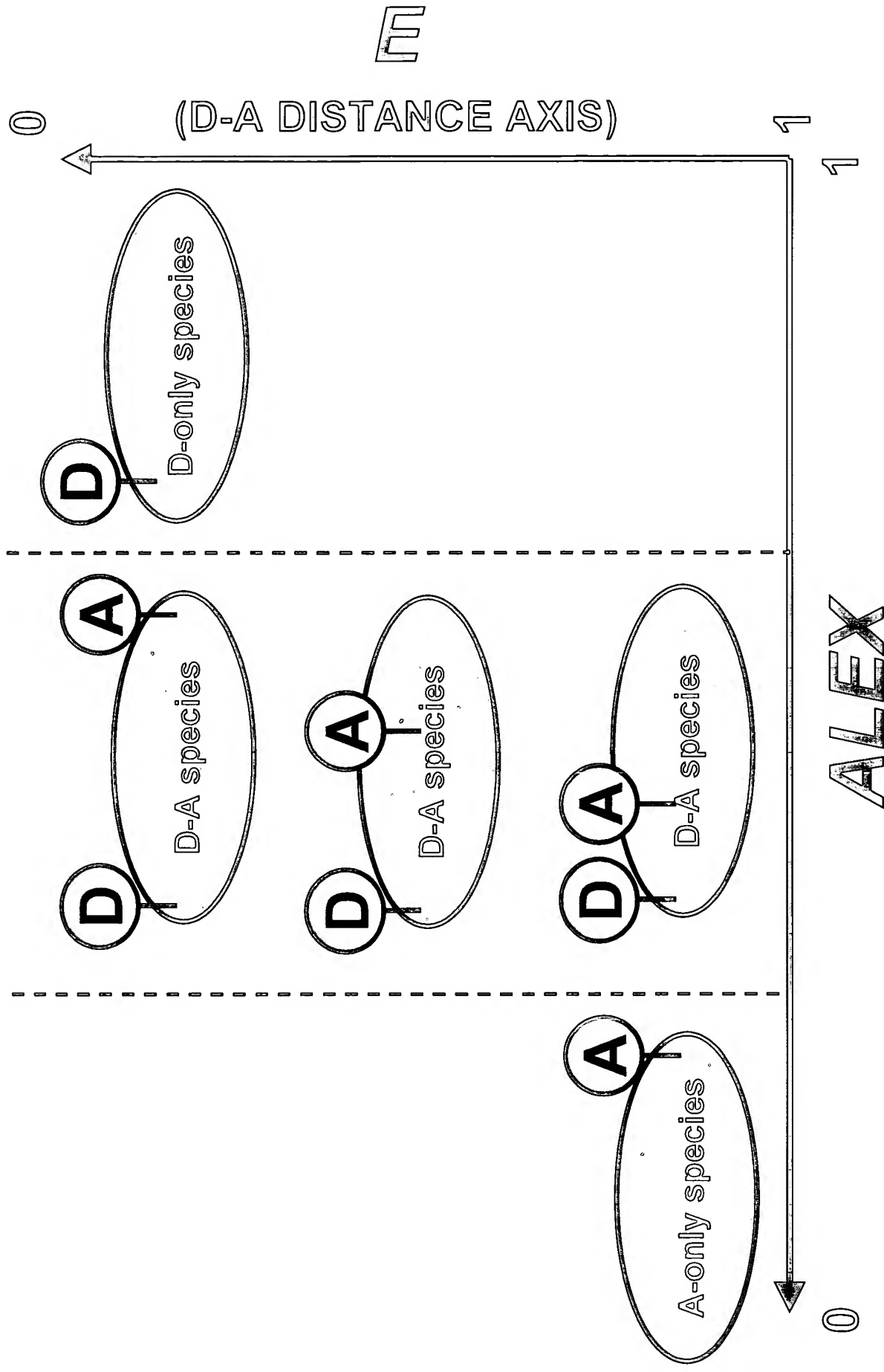


$$\text{ALEX} = \frac{50+50}{50+50+100} \sim 0.5$$

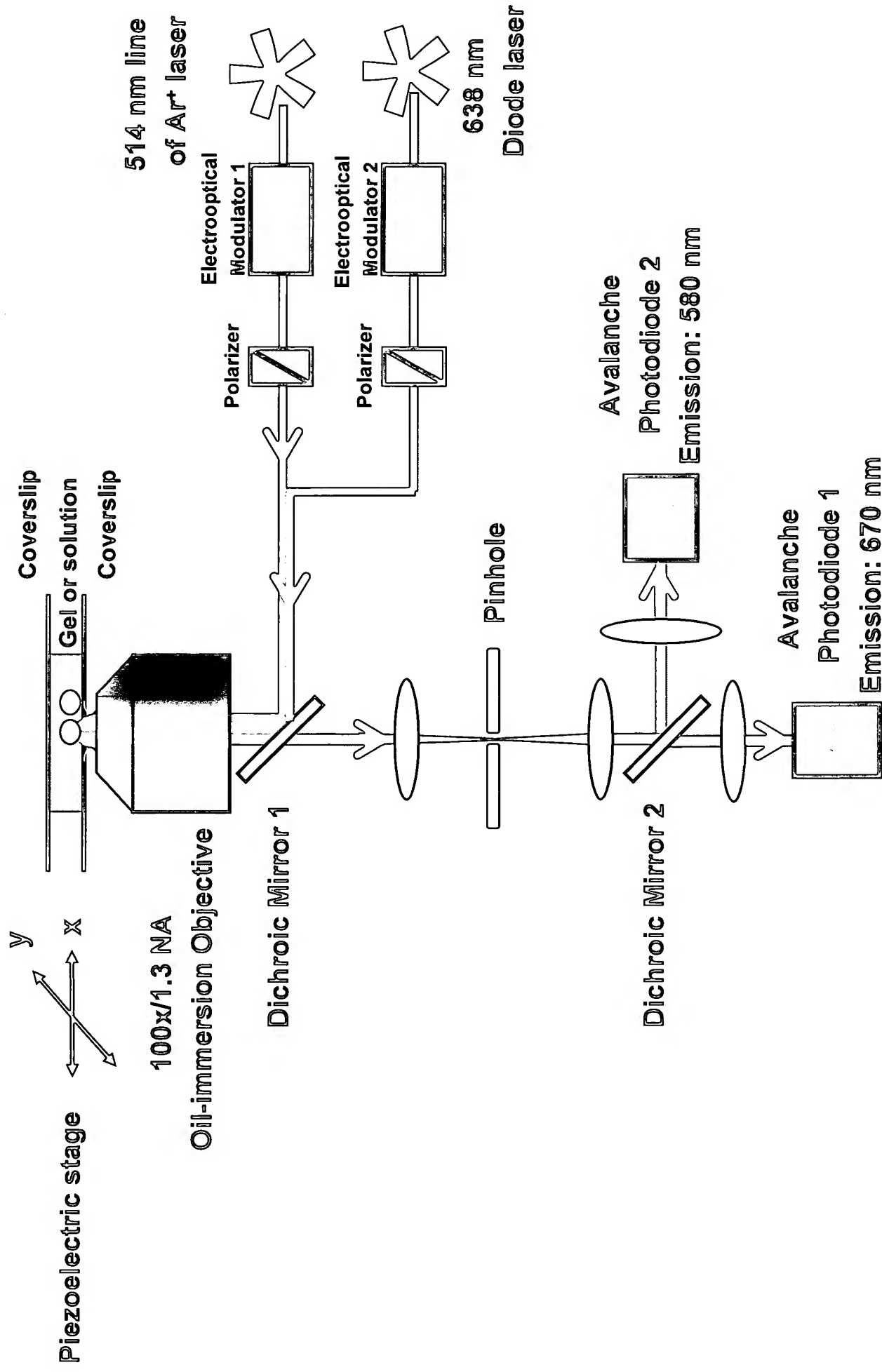


$$\text{ALEX} = \frac{0+0}{0+0+100} \sim 0.0$$

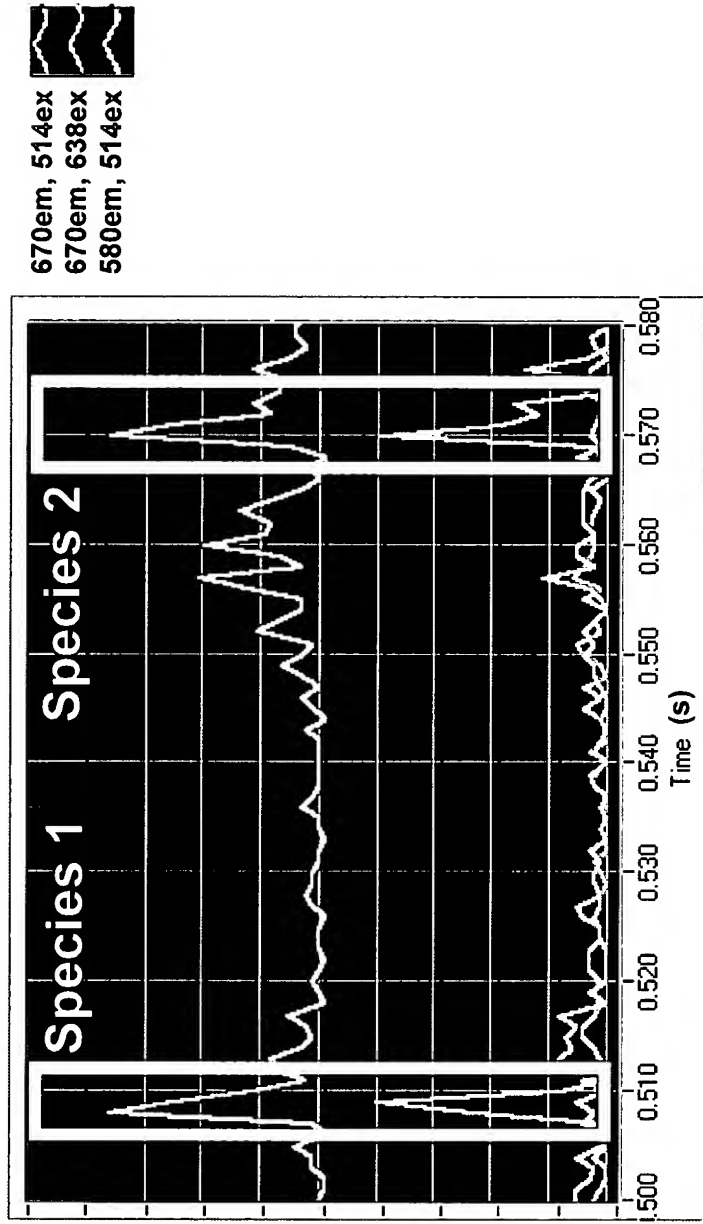
SORTING SPECIES USING E, ALEX



ALEX SINGLE-MOLECULE CONFOCAL MICROSCOPY



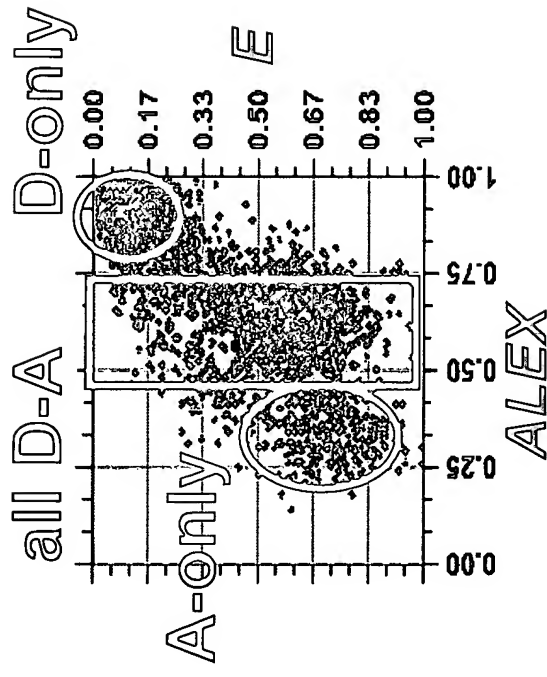
DATA ANALYSIS FOR INDIVIDUAL SPECIES



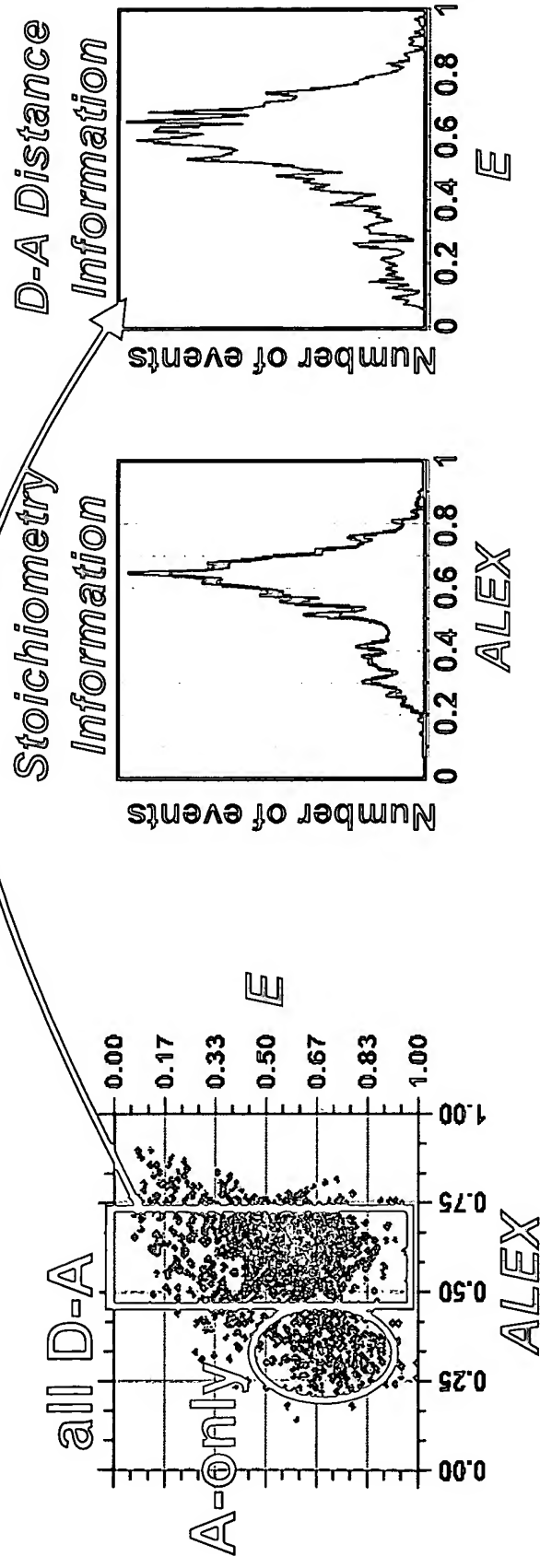
Species 1 Species 2

670em, 514ex	71	85
670em, 638ex	69	93
580em, 514ex	7	11
FRET-sensitized A	52	60
E, simplified	91%	88%
E, FRET-sensitized A	91%	77%
ALEX	0.49	0.66

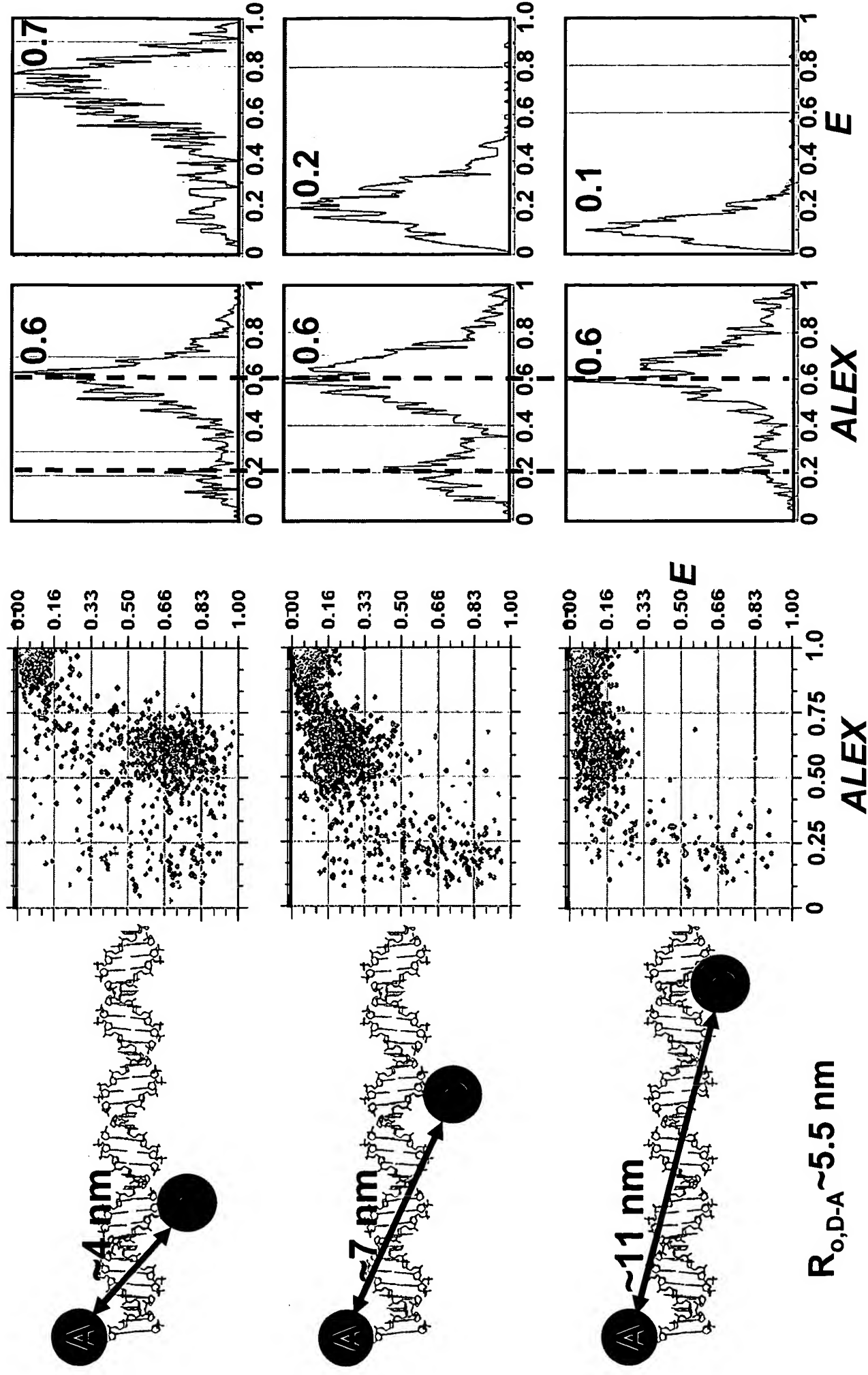
DATA ANALYSIS USING E-ALEX 2-D HISTOGRAMS



$\downarrow F_{670em, 638ex} > 15 \text{ KHz}$

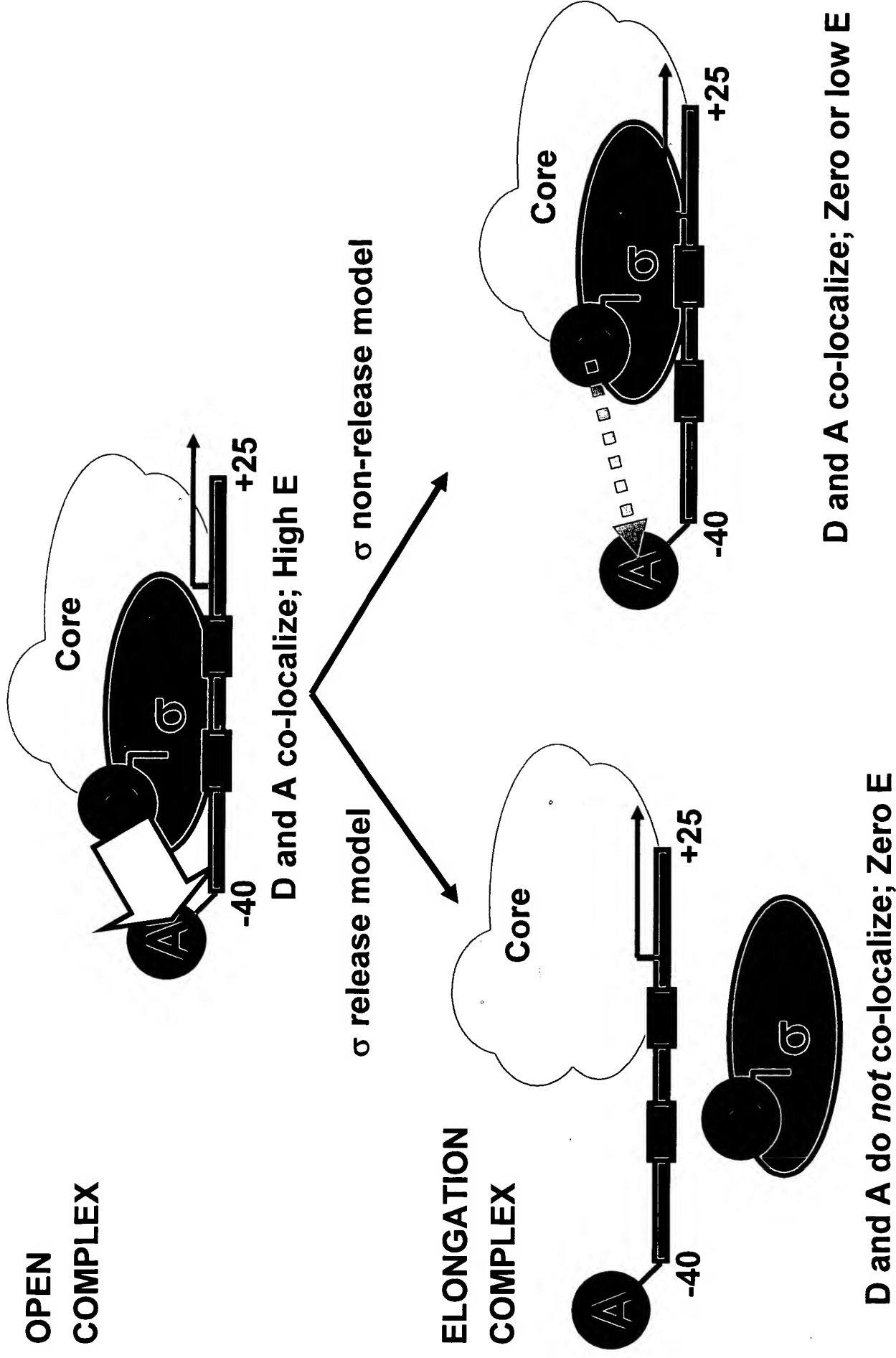


MODEL SYSTEMS: dsDNA



$R_{o,D-A} \sim 5.5$ nm

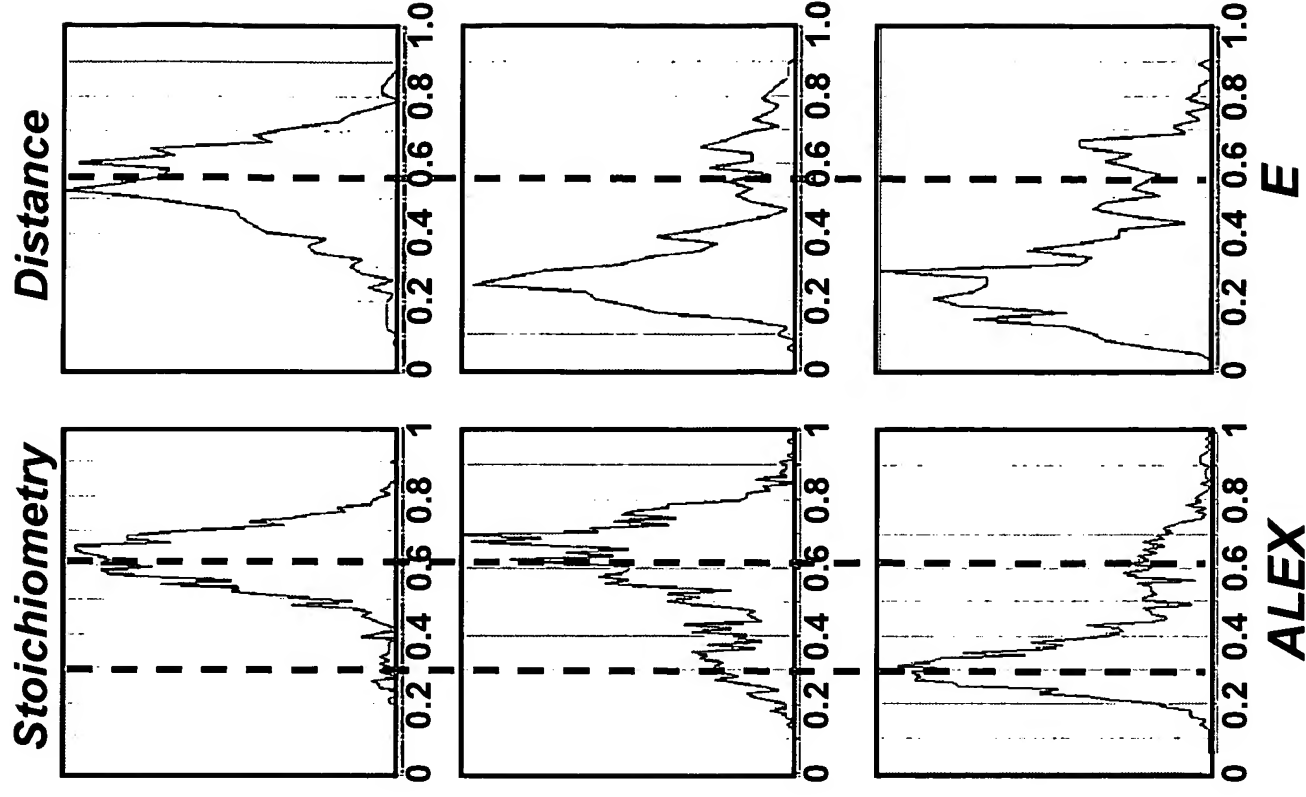
USING TRAILING-EDGE sp-FRET TO ANALYZE SIGMA RELEASE UPON PROMOTER ESCAPE



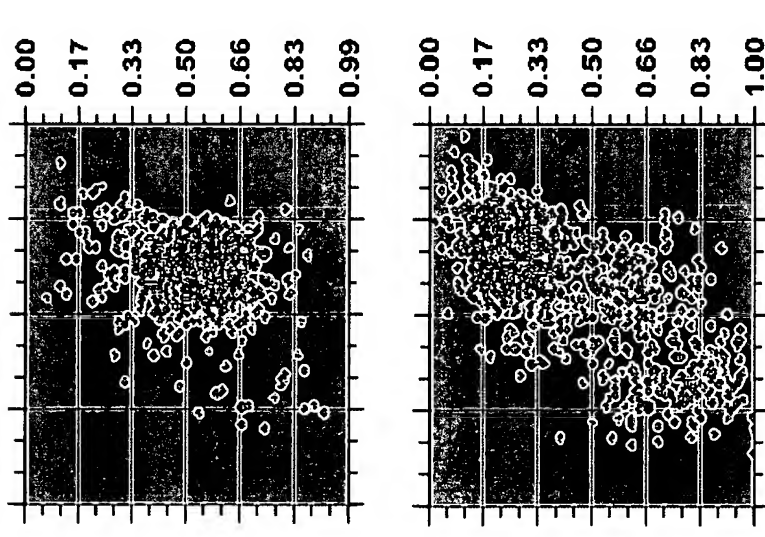
TRAILING-EDGE spFRET

RNAP $\sigma^{\text{TMR},569} \rightarrow \text{lacUV5-11Cy5,-40}$

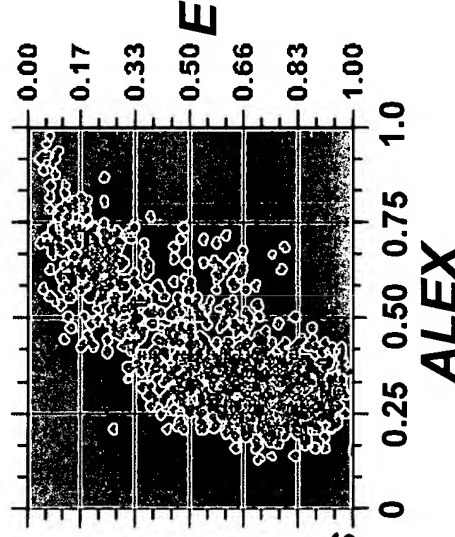
RPO + ApA
(RP_{itc,2})
(equivalent to RPO)



RPO + ApA
+ 12.5 μM UTP/GTP/ATP
(RD_{e,11})



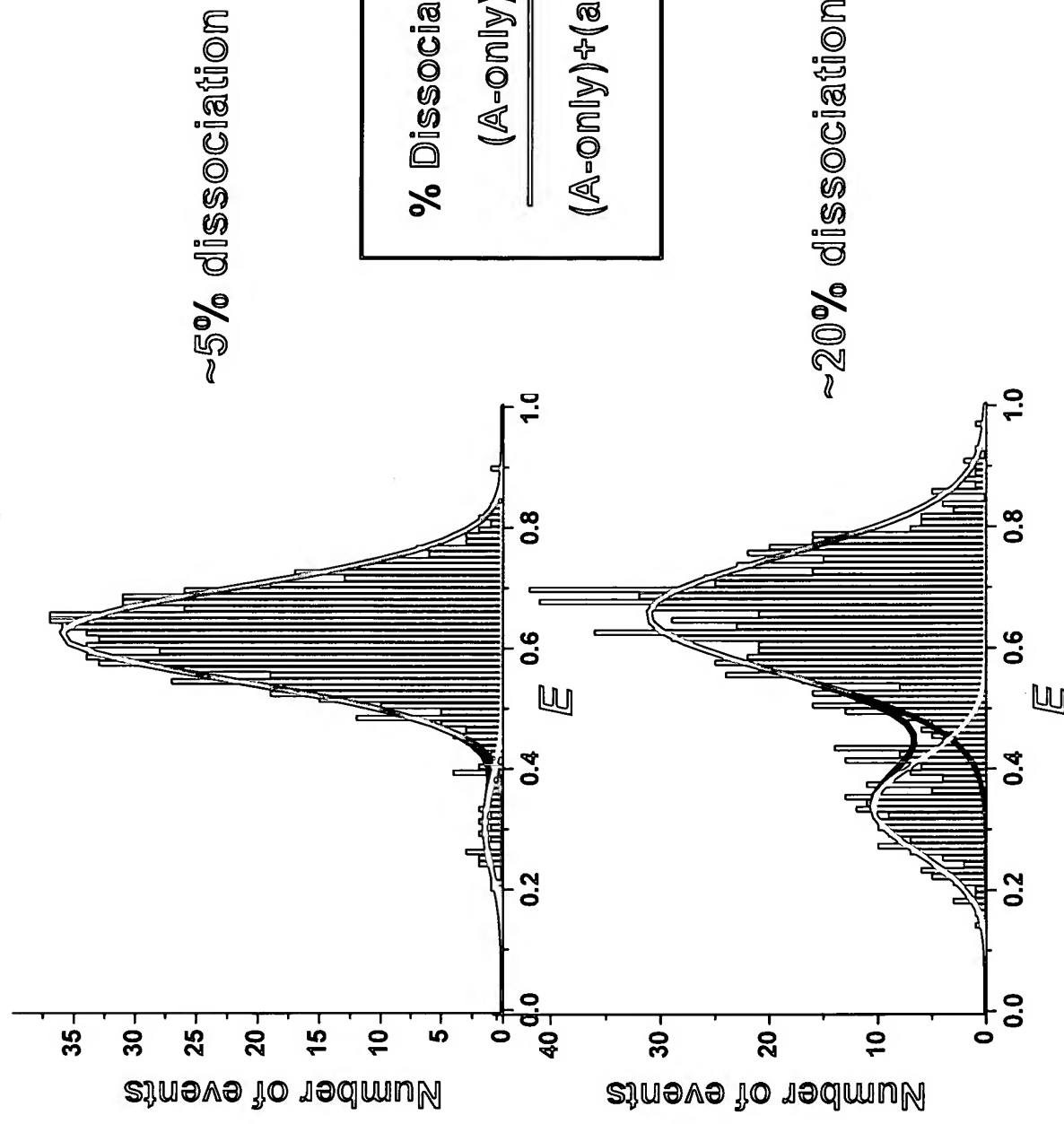
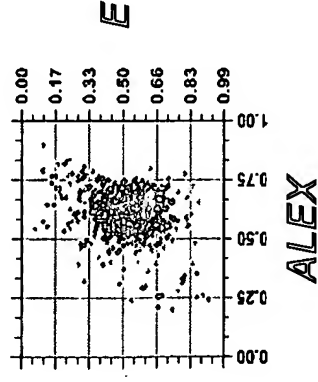
RPO + ApA
+ 60 μM NTPs
(chase)



ABILITY OF STALLED COMPLEXES
TO RESUME TRANSCRIPTION

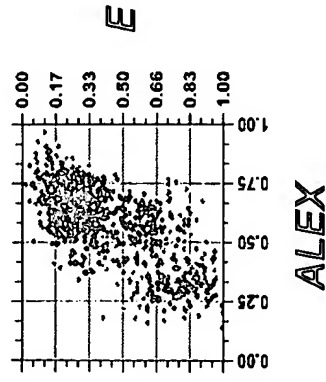
DIRECT OBSERVATION OF SIGMA NON-RELEASE: TRAILING-EDGE SPRET

RP_{itc,2}



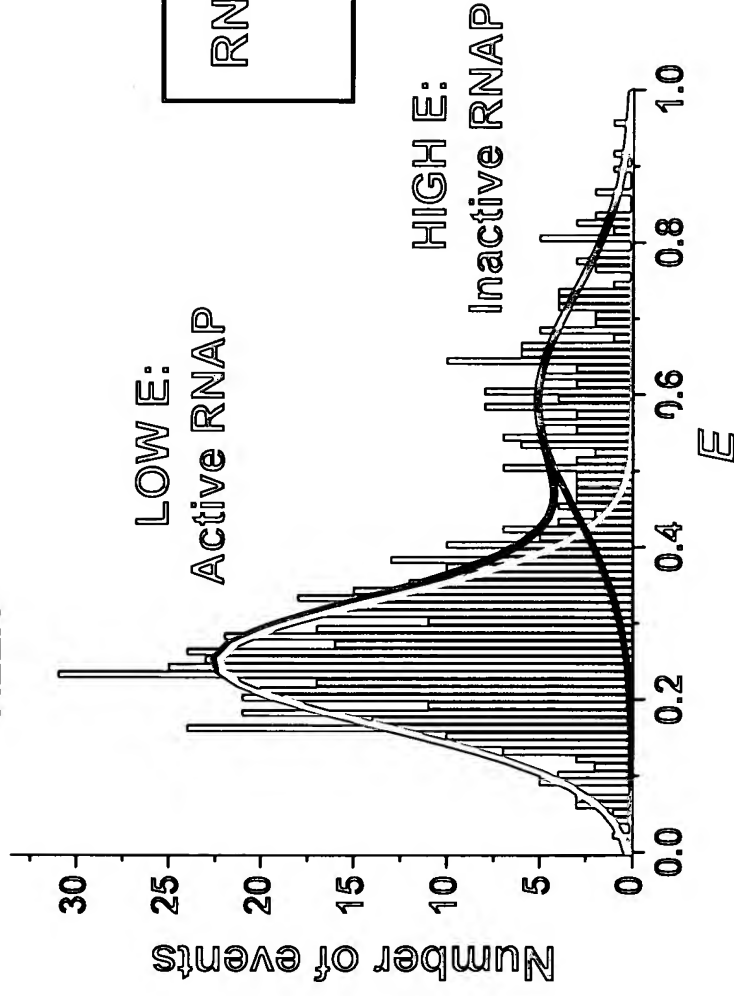
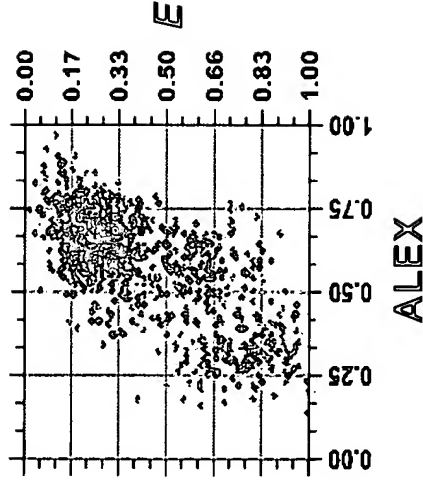
$$\% \text{ Dissociation} = \frac{(A\text{-only})}{(A\text{-only}) + (\text{all D-A})}$$

RD_{e,11}



E HISTOGRAM MONITORS ABILITY OF RNAP TO TRANSLOCATE UPON ESCAPE: TRAILING-EDGE SPRET

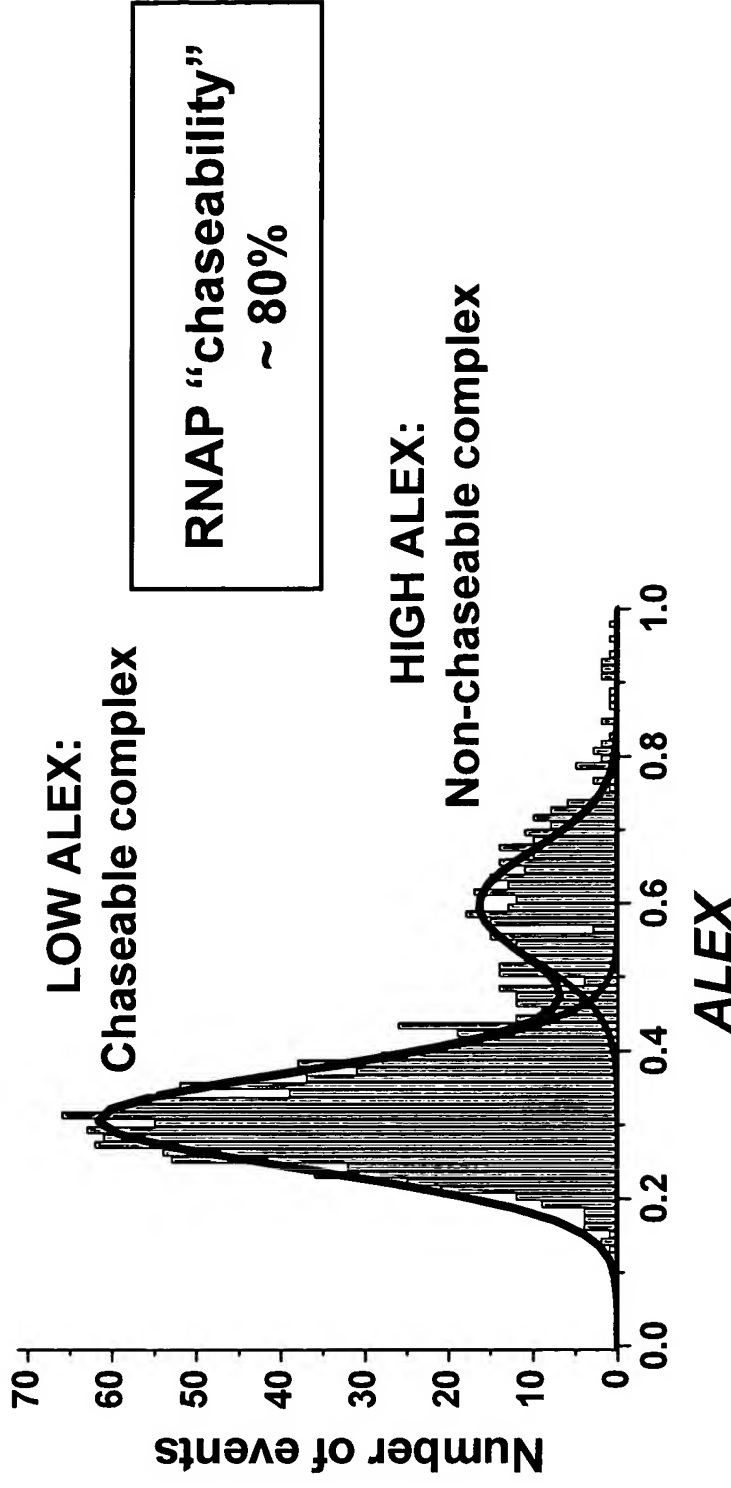
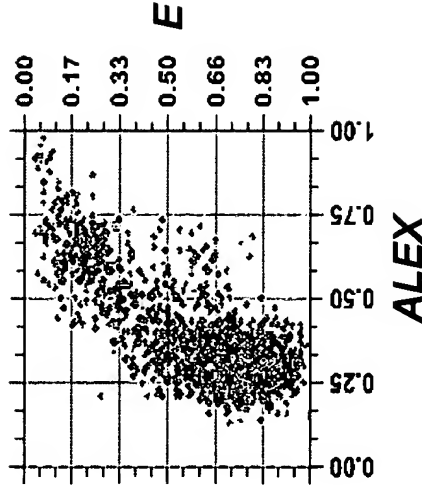
RPO + Apa + 12.5 μ M UTP/GTP/ATP ($RD_{e,11}$)



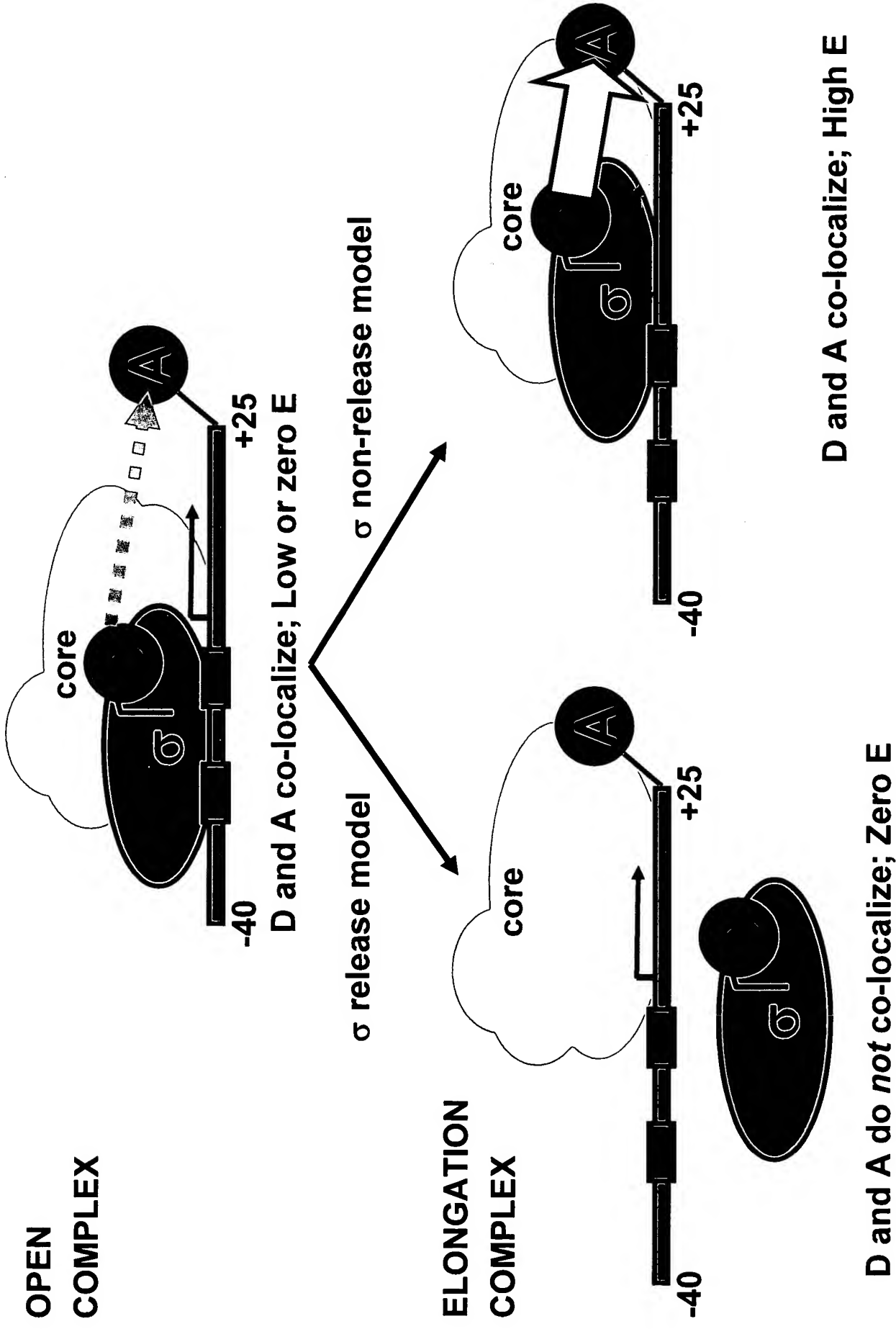
RNAP translocational
activity ~ 70%

DISSOCIATION HISTOGRAM MONITORS ABILITY OF RNAP TO BE “CHASED”: TRAILING-EDGE spFRET

RPo + ApA + 60 μ M NTPs (chase)



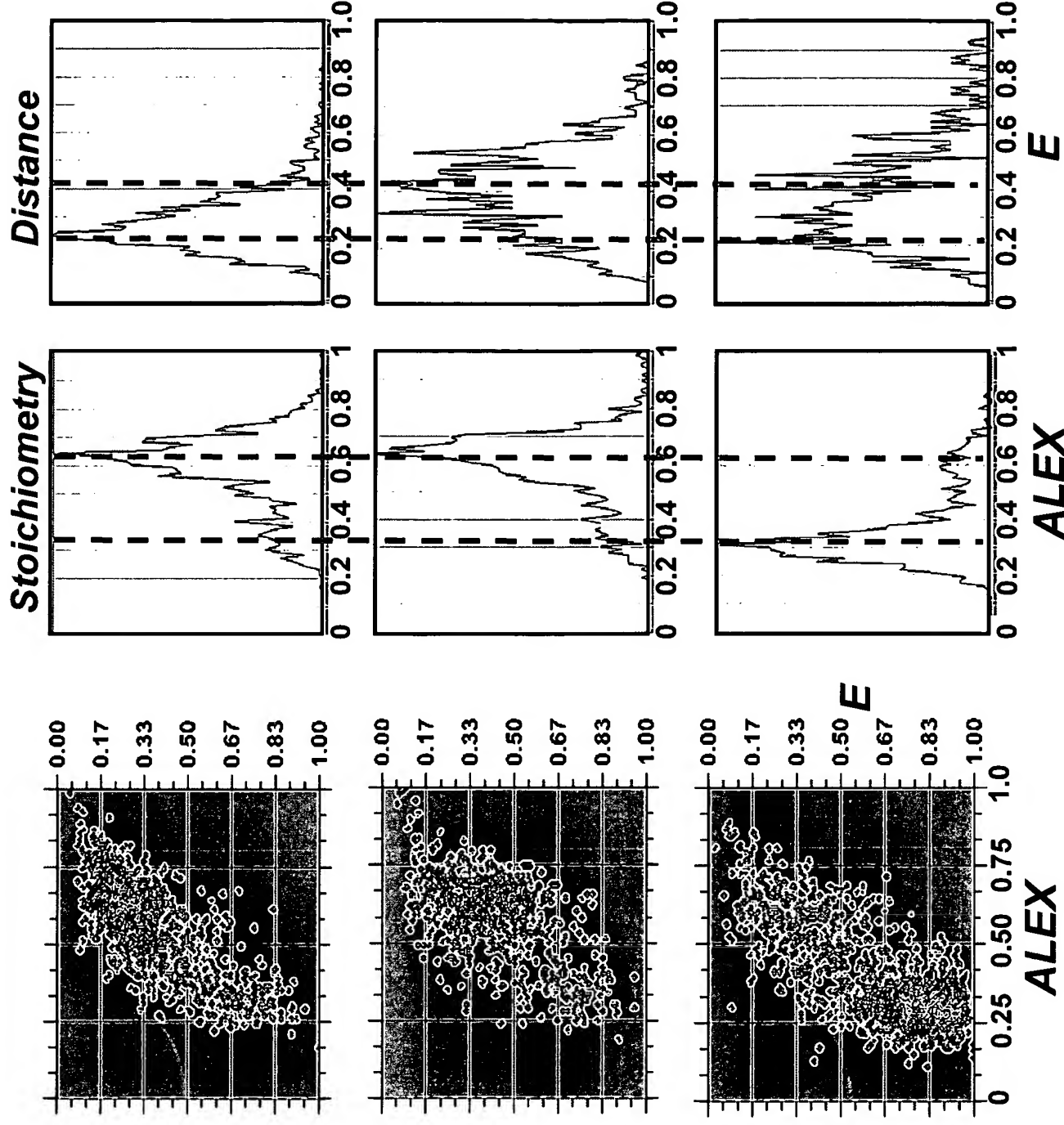
USING LEADING-EDGE spFRET TO ANALYZE SIGMA RELEASE UPON PROMOTER ESCAPE



LEADING-EDGE spFRET

RNAP $_{\sigma}^{\text{TMR},366} \rightarrow \text{lacUV5-11Cy5,+25}$

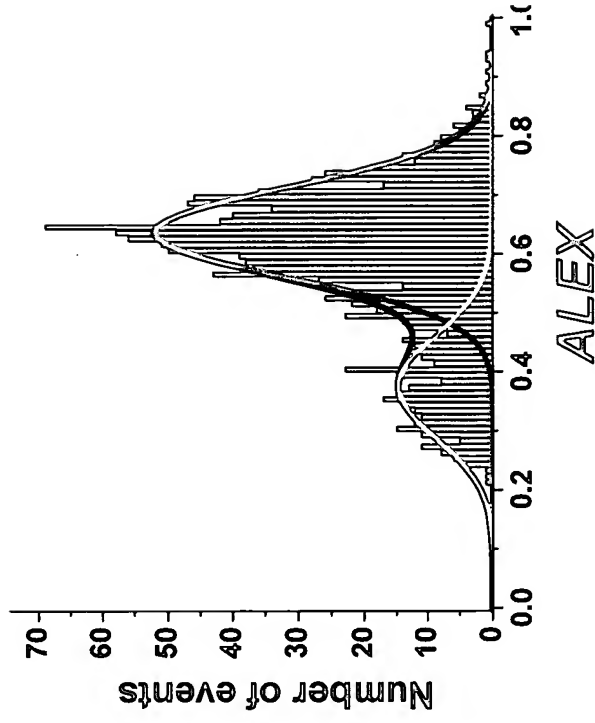
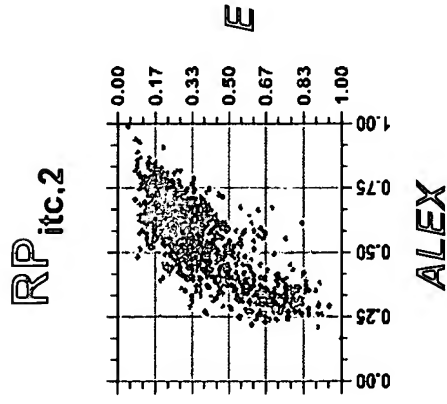
RPo + ApA
(RP $_{\text{itc},2}$)
(equivalent to RPo)



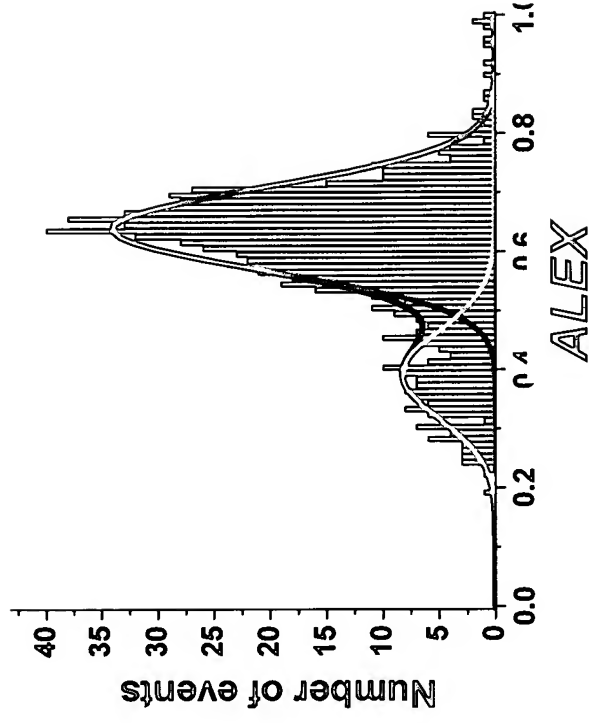
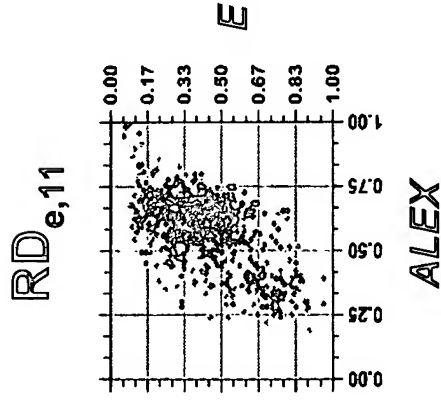
RPo + ApA
+ 12.5 μM UTP/GTP/ATP
(RD $_{\text{e},11}$)

RPo + ApA
+ 60 μM NTPs
(chase)

DIRECT OBSERVATION OF SIGMA NON-RELEASE: LEADING-EDGE spFRET



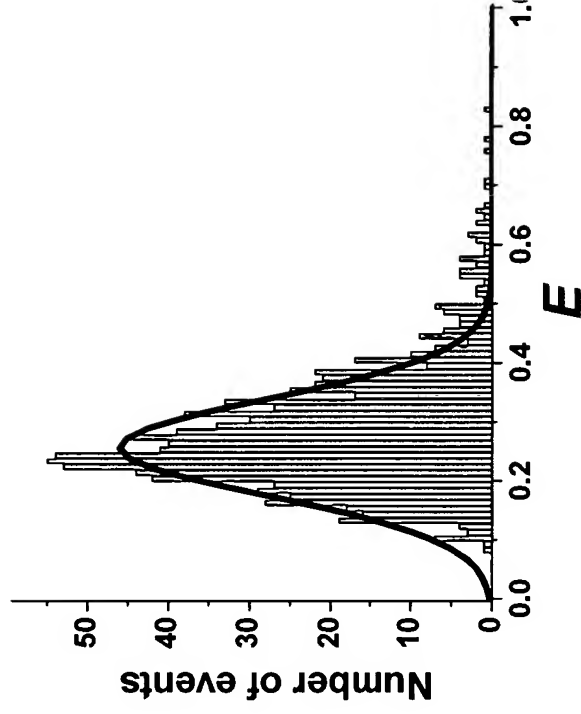
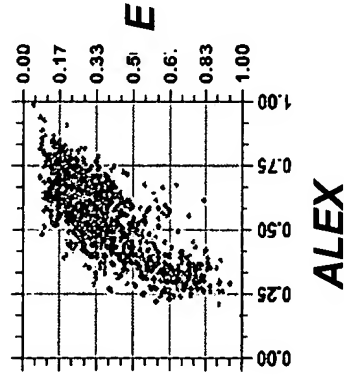
~20% dissociation



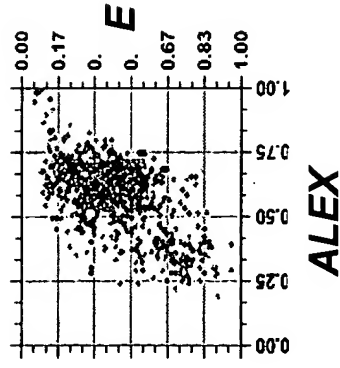
~20% dissociation

E HISTOGRAM MONITORS ABILITY OF RNAP TO TRANSLocate UPON ESCAPE: LEADING-EDGE spFRET

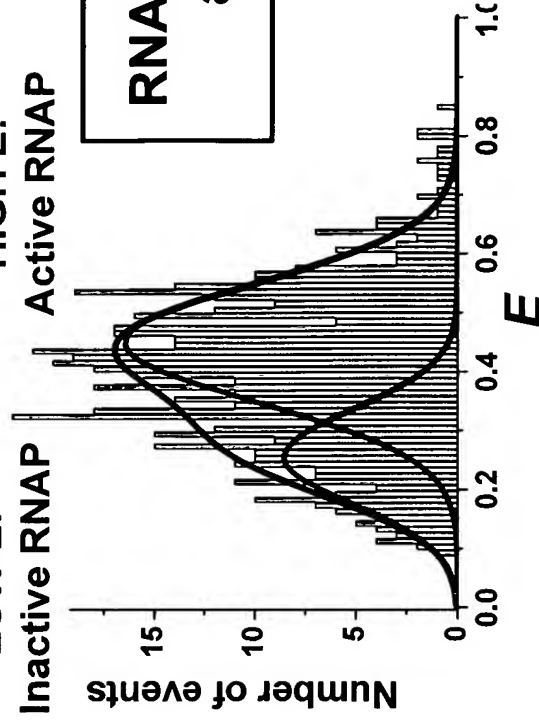
RPO + ApA (RP_{itc,2})



RPO + ApA + 12.5 μ M UTP/GTP/ATP
(RD_{e,11})



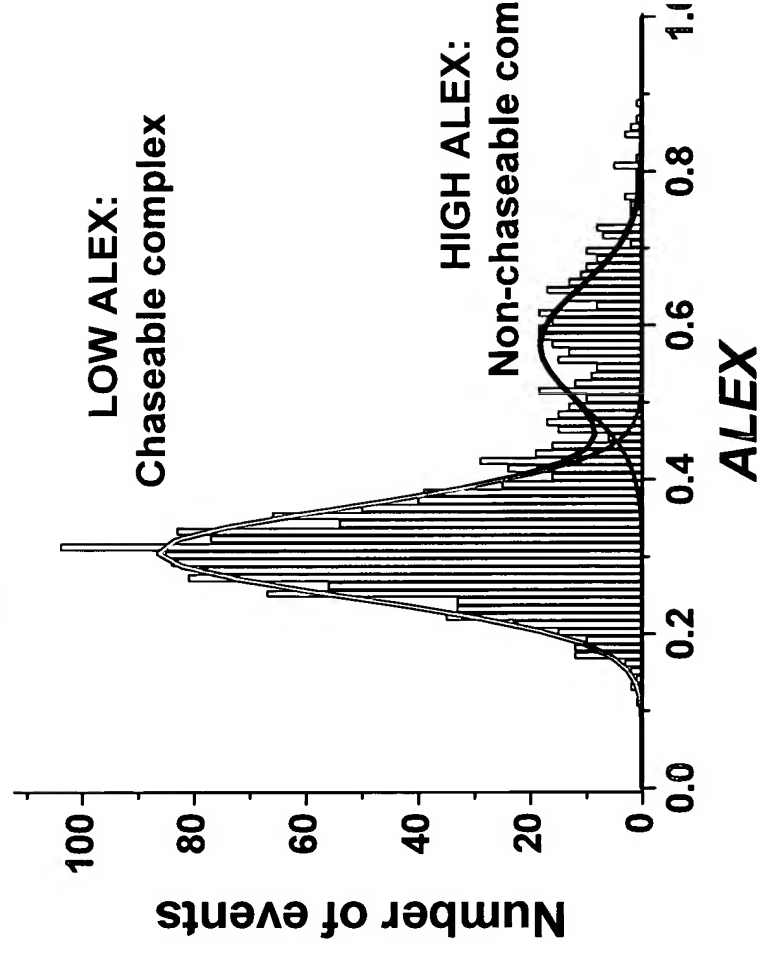
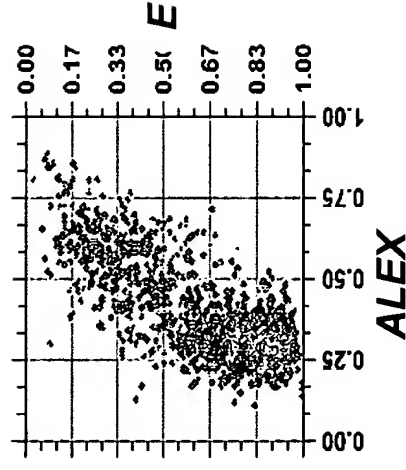
LOW E: Inactive RNAP
HIGH E: Active RNAP



RNAP translational activity = 72%

DISSOCIATION HISTOGRAM MONITORS ABILITY OF RNAP TO BE “CHASED”: LEADING-EDGE spFRET

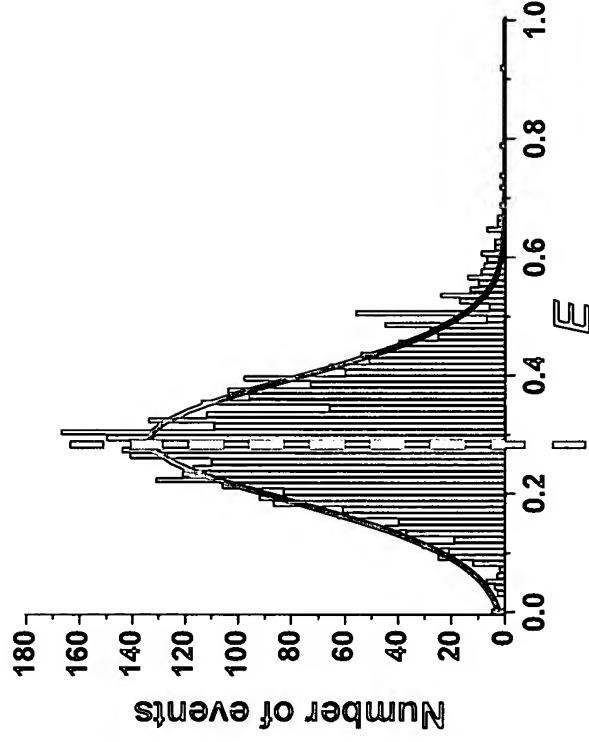
RPo + ApA + 60 μ M NTPs (chase)



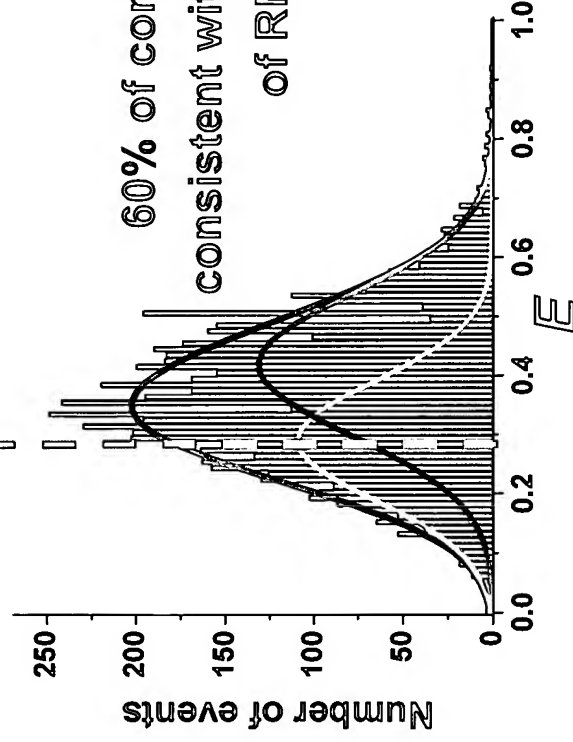
**RNAP “chaseability”
= 80%**

LEADING-EDGE spFRET DETECTS MOVEMENT OF LEADING EDGE DURING ABORTIVE INITIATION

RPO + ApA
(RP_{itc,2})



RPO + ApA
+ 25 μ M UTP/GTP
(RD_{e,7})



60% of complexes show higher E ;
consistent with downstream movement
of RNAP leading edge

TRAILING-EDGE spFRET ON SURFACE-IMMOBILIZED RP₀ COMPLEXES

Excitation: 514 nm line of Ar⁺ laser

(D) Emission
(580–620 nm)

4 μm



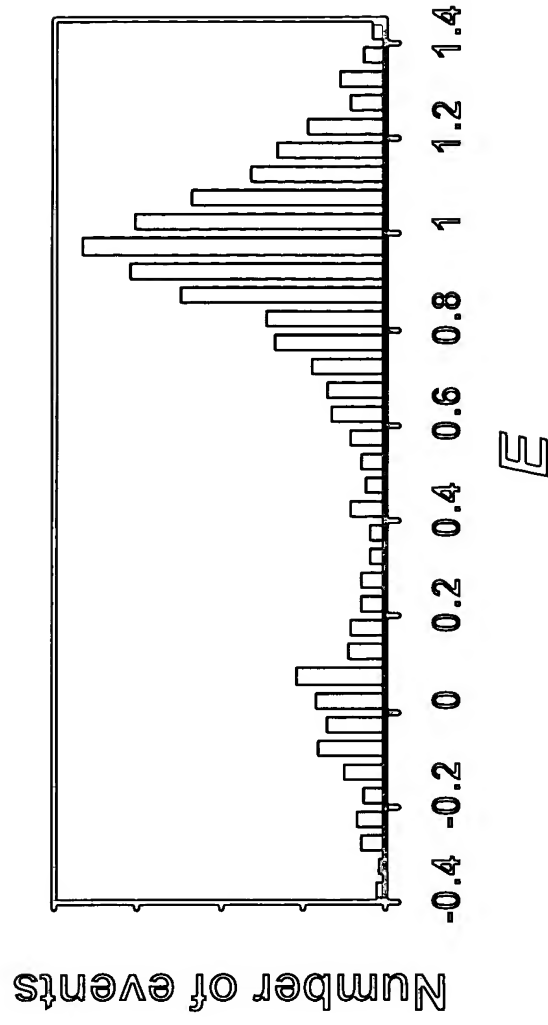
0

10 μm

(A) Emission
(650–700 nm)



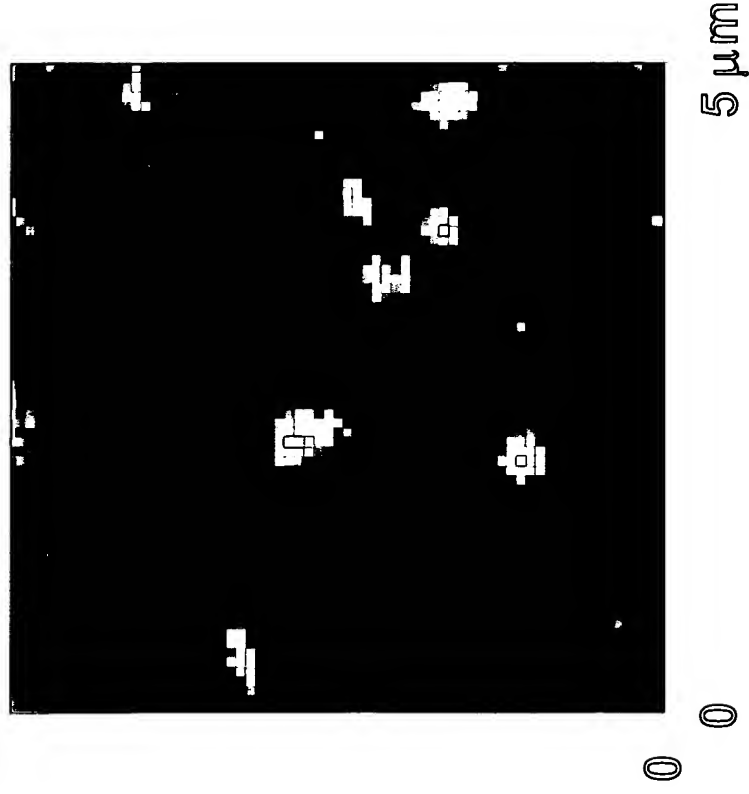
(D) **(A)**
Overlay



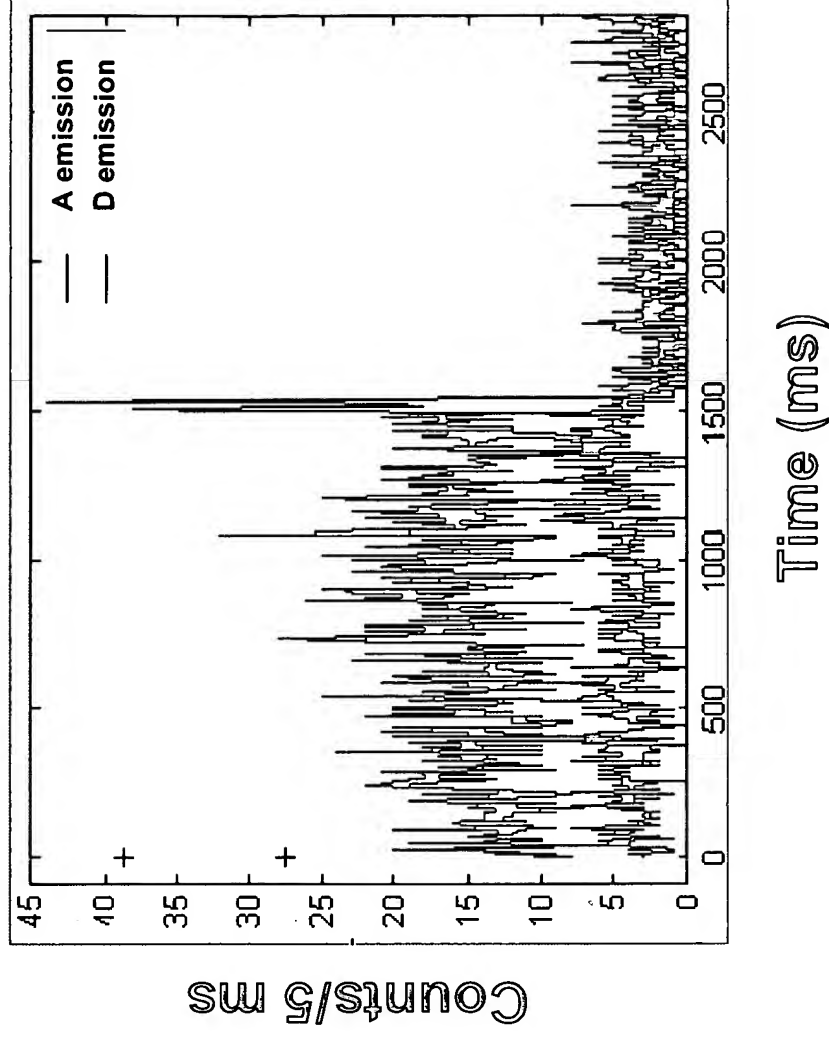
$$E = \frac{I_A}{I_A + \gamma I_D}$$

IMAGING AND TIME-TRAJECTORIES OF SINGLE RP_0 COMPLEXES

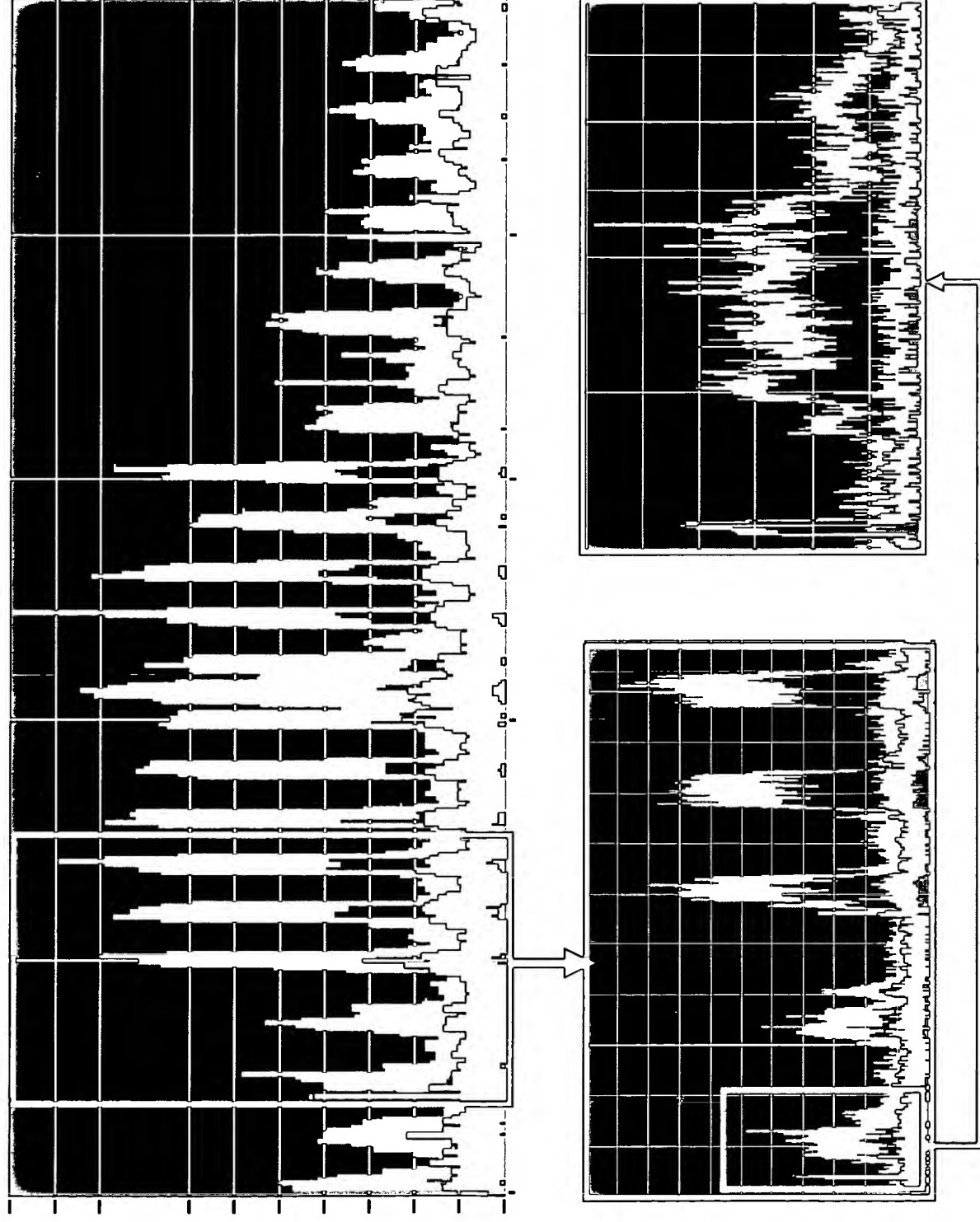
Single-step
photobleaching:
evidence for imaging
single RP_0 .



Time-trajectory for a single
 RP_0 showing TE-FRET



MONITORING SINGLE-ENZYME DYNAMICS ON IMMOBILIZED MOLECULES



CONCLUSIONS

- Developed robust assays for analysis of structure, dynamics, and activity of protein-DNA complexes
- Confirmed sigma presence in early elongation complexes
- Determined activity for translocation and for chase reactions
- Detected movement of leading edge during abortive initiation
- Future work:
 - Abortive initiation mechanism
 - Sigma dynamics at various transcription steps

ACKNOWLEDGEMENTS

Shimon Weiss (UCLA)

Sören Doose

Thilo Lacoste

Ted Laurence

Nam Ki Lee

Emmanuel Margeat

Xavier Michalet

Collaborators:

Richard Ebright (Rutgers U.)

Ekaterine Kortkhonja

Vladimir Mekler

Jayanta Mukhopadhyay

Andrey Revyakin

Philip Tinnefeld (U.Heidelberg)

and all SMBs!

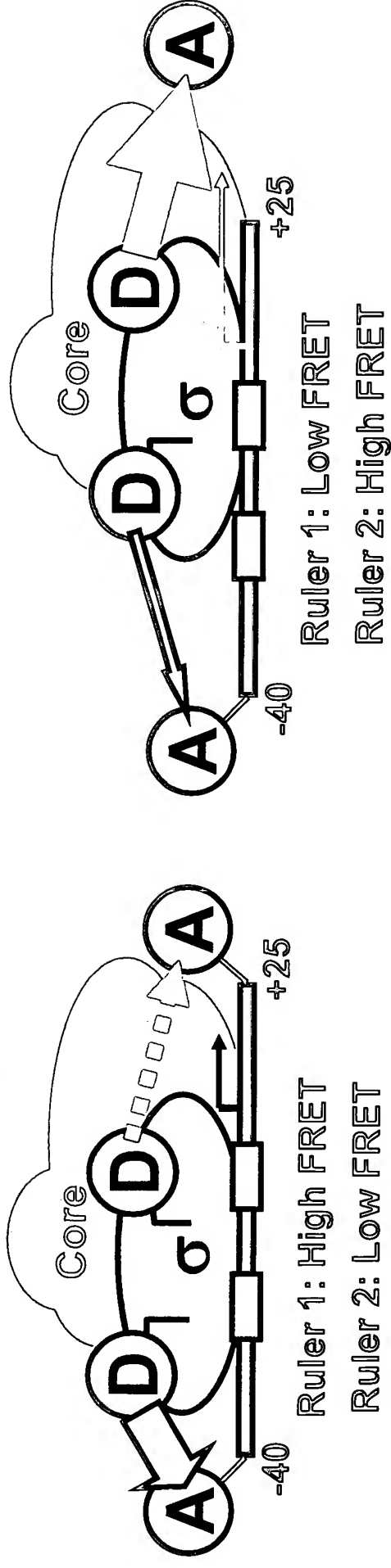


Funding: DOE, NIH

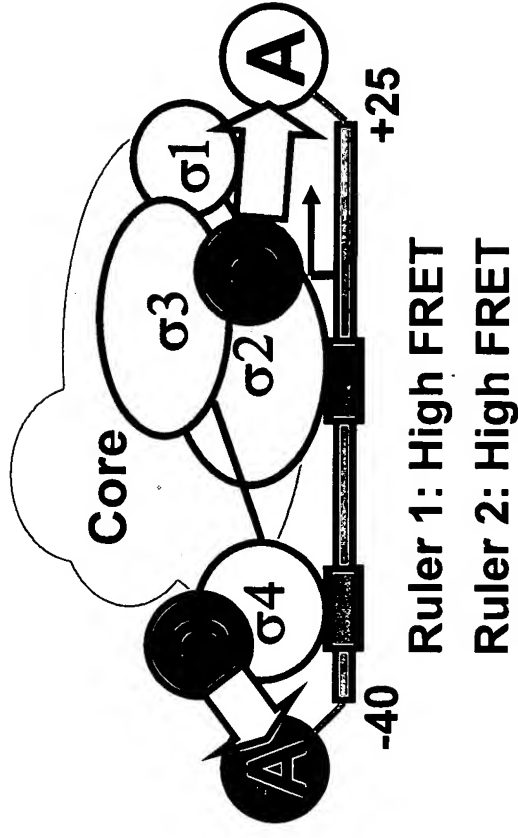
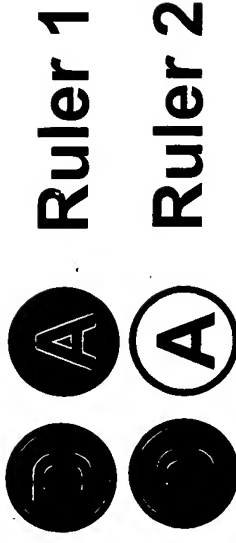
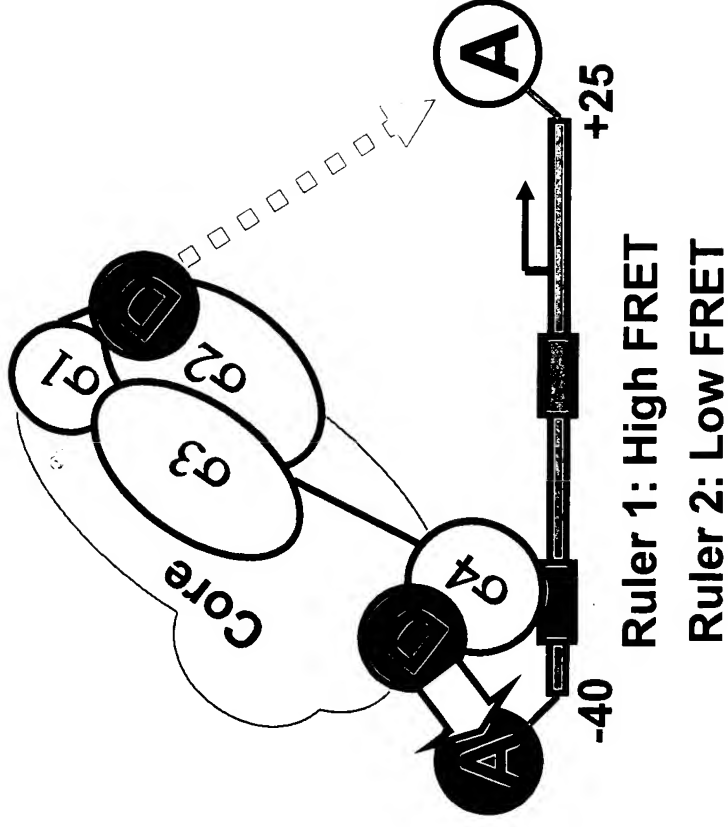
TRAILING-EDGE and LEADING-EDGE FRET:

Assay of translocation of a protein relative to a nucleic acid

Trailing-edge/leading-edge FRET (TELE-FRET)



Step-Sequence of formation of promoter contacts using 2 FRET rulers





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Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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I, the undersigned, being duly warned, declare the following:

1. I am a co-inventor of the subject matter described and claimed in the above-identified U.S. patent application. I have reviewed the claims of this application as currently amended.

2. I understand that the Office Action dated November 30, 2007 rejected the examined claims of this patent application under 35 U.S.C. § 102(a) over published German patent application Publication No. DE 10210737 A1 by Krieger et al. that published March 20, 2003.

3. I, together with my co-inventors, conceived the invention described and claimed in at least independent claims 1 and 21 of this application, and reduced it to practice, prior to the March 20, 2003 publication date of the cited reference. Our prior invention is evidenced by a copy of a presentation by one of the co-inventors, Achillefs Kapanidis, at the Single-Molecule Biophysics Conference in Aspen, CO on January 7, 2003, (copy attached as Exhibit A).

4. As documented by Exhibit A, my co-inventors and I conceived the invention of at least current independent claims 1 and 21, and reduced it to practice, prior to January 7, 2003.

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Date

Shimon Weiss

Date

Achillefs Kapanidis

5/28/2008
Date

Ted A. Laurence
Ted A. Laurence

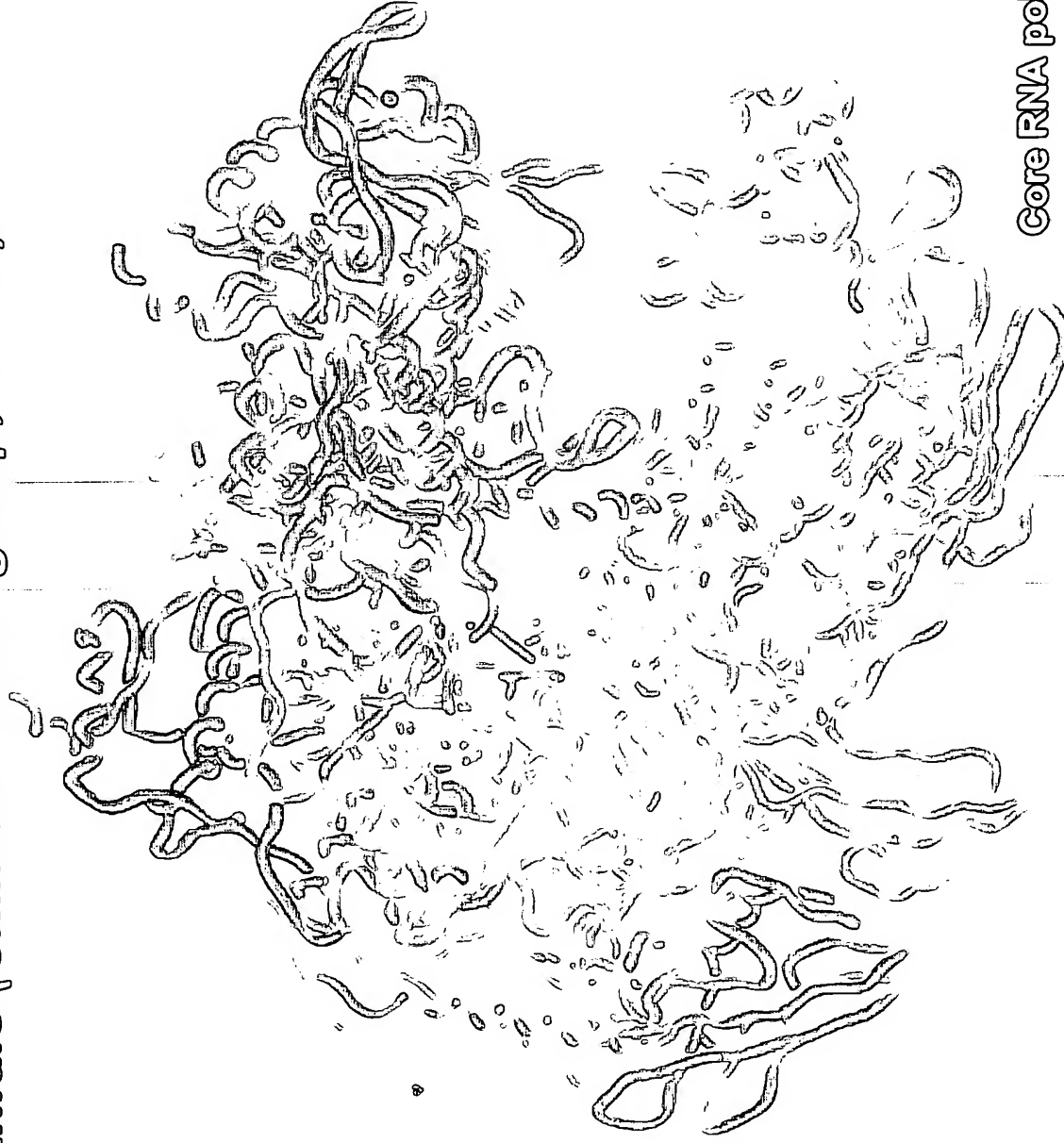
Date

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Molecular Machines at Work:

Single-Molecule Analysis of Transcription by RNA Polymerase
Achillefs Kapanidis (Shimon Weiss' group, UCLA)

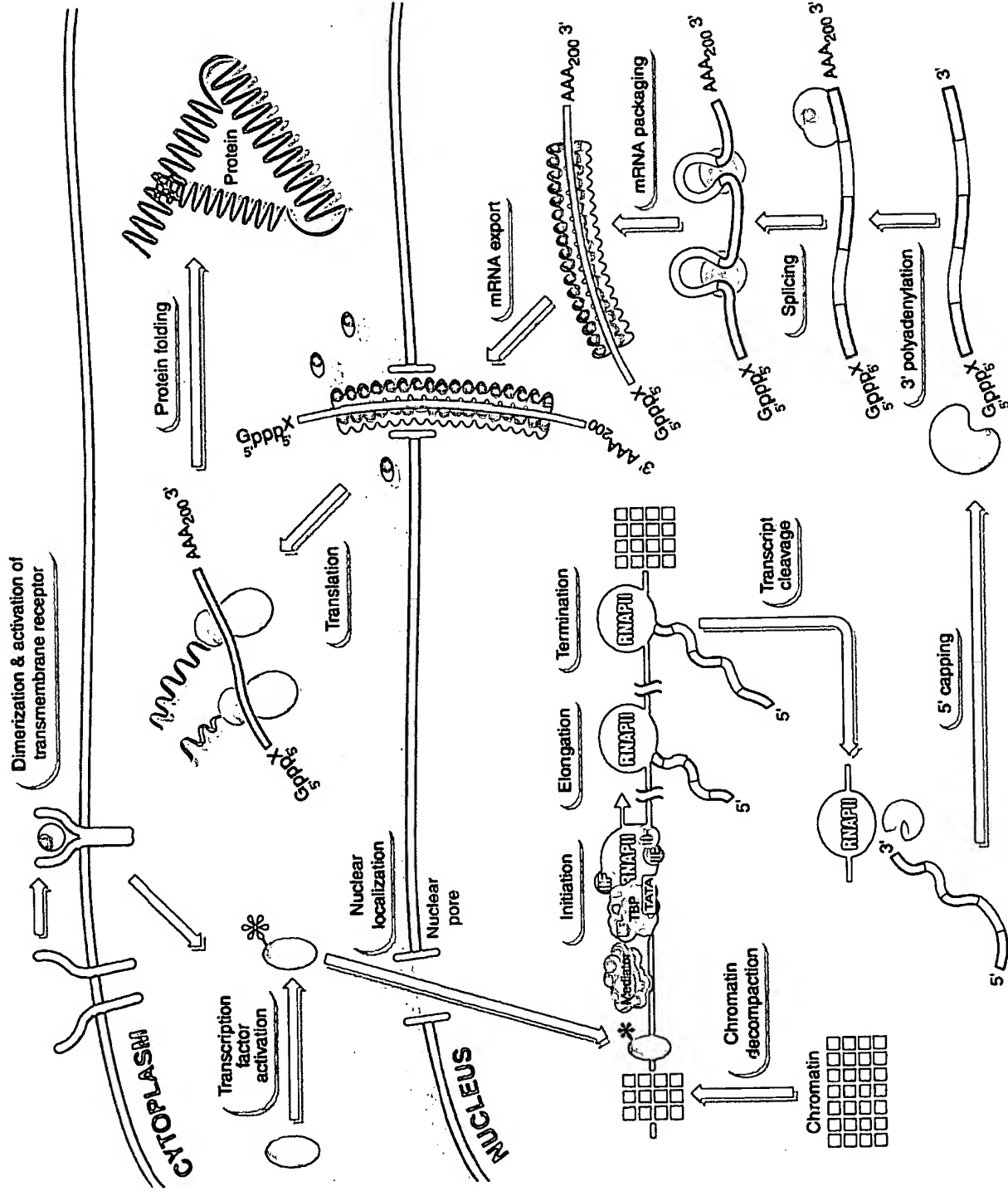


Core RNA polymerase (Darst lab)

Single-Molecule Biophysics Conference: Aspen, Jan. 7, 2003

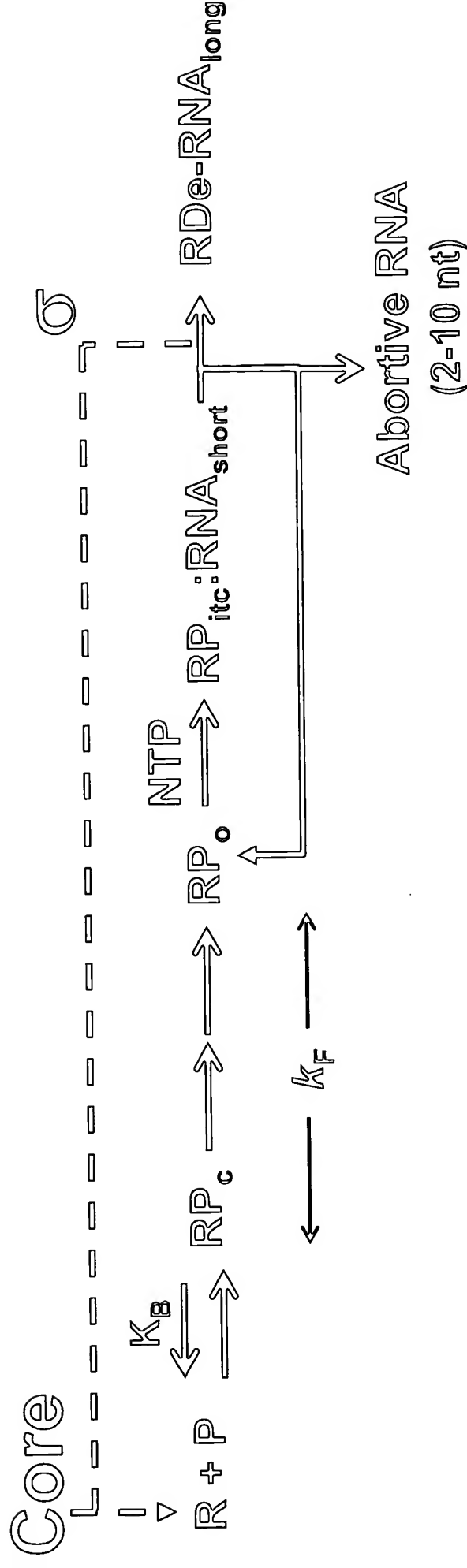
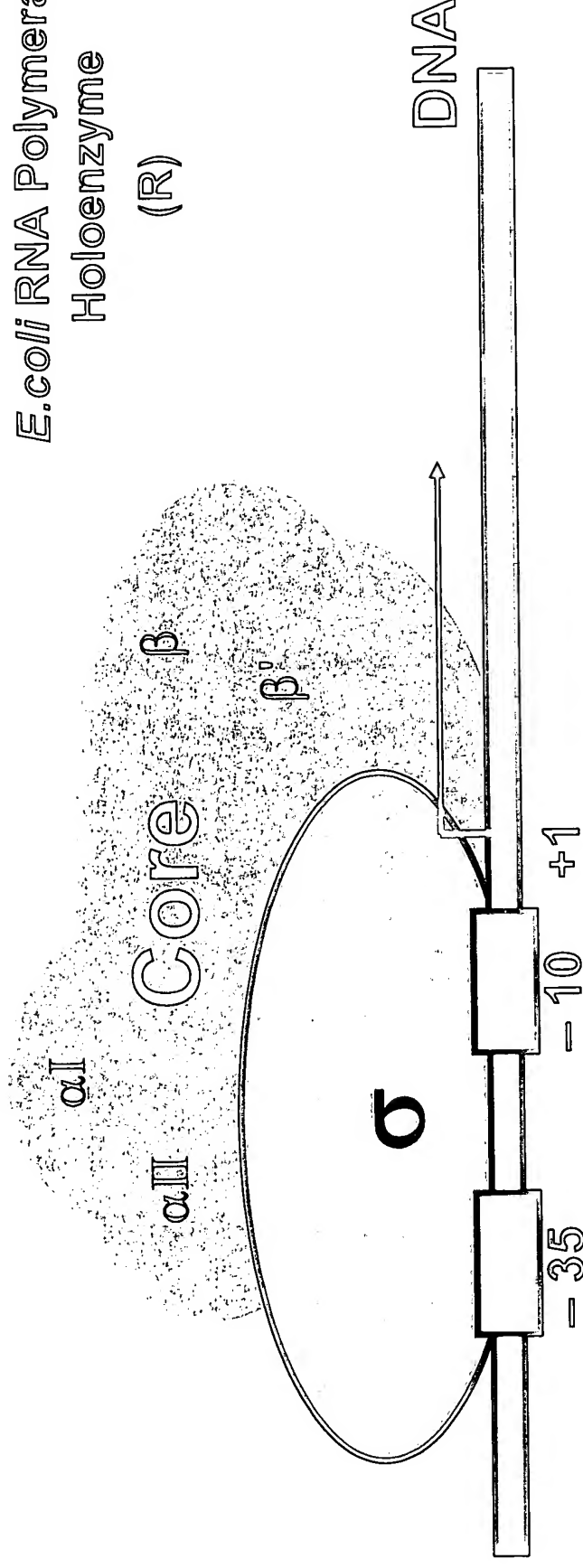
GENE EXPRESSION:

The path from gene to protein

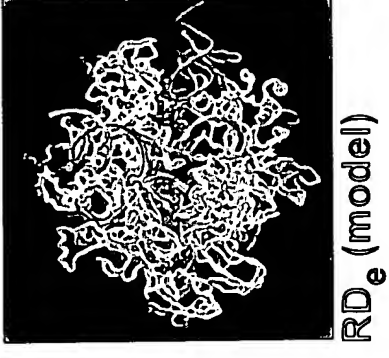
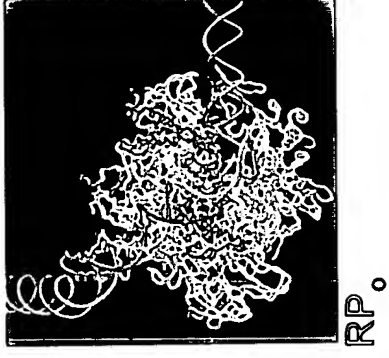
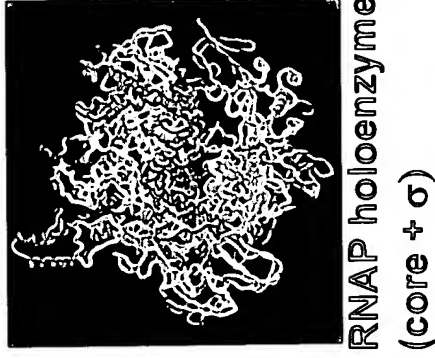
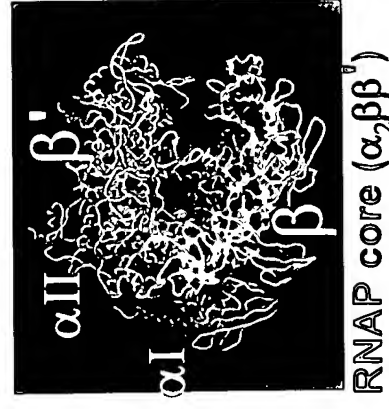


TRANSCRIPTION INITIATION

E. coli RNA Polymerase
Holoenzyme
(R)

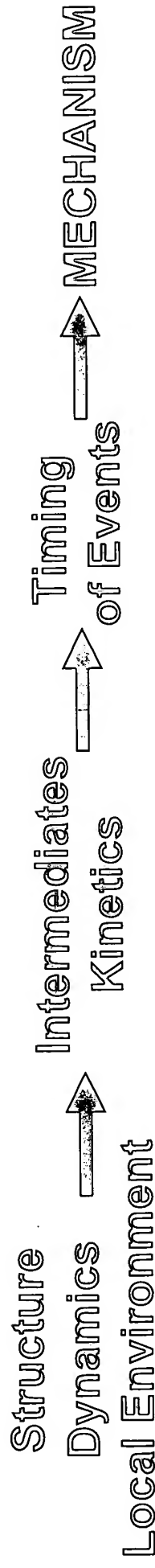


STRUCTURAL ASPECTS OF TRANSCRIPTION



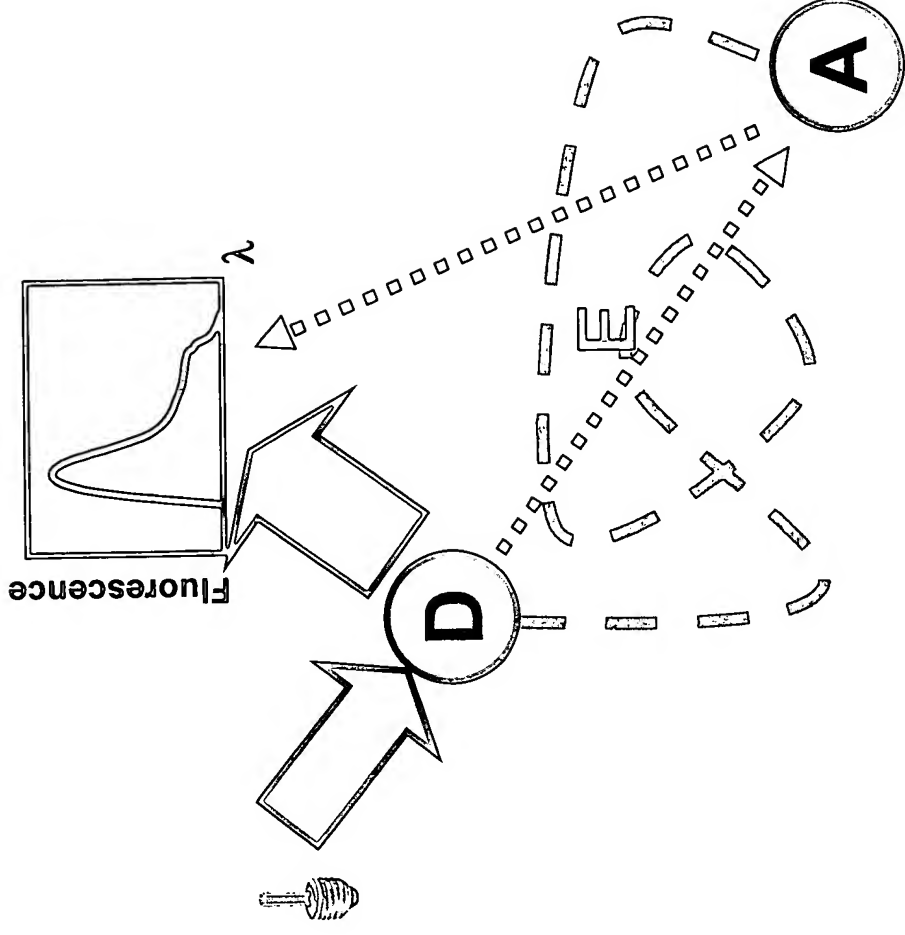
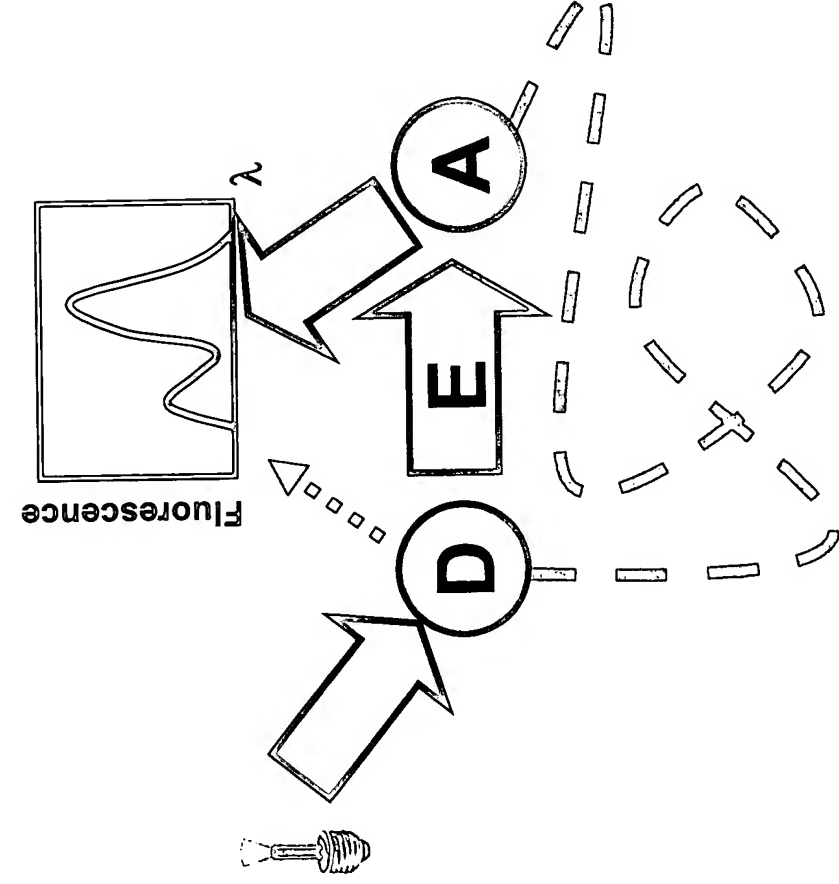
X-ray structures → static snapshots of the machine

SMD: "movie" of the dynamic process



FÖRSTER RESONANCE ENERGY TRANSFER (FRET):

A “MOLECULAR RULER” FOR THE 2-10 nm REGIME



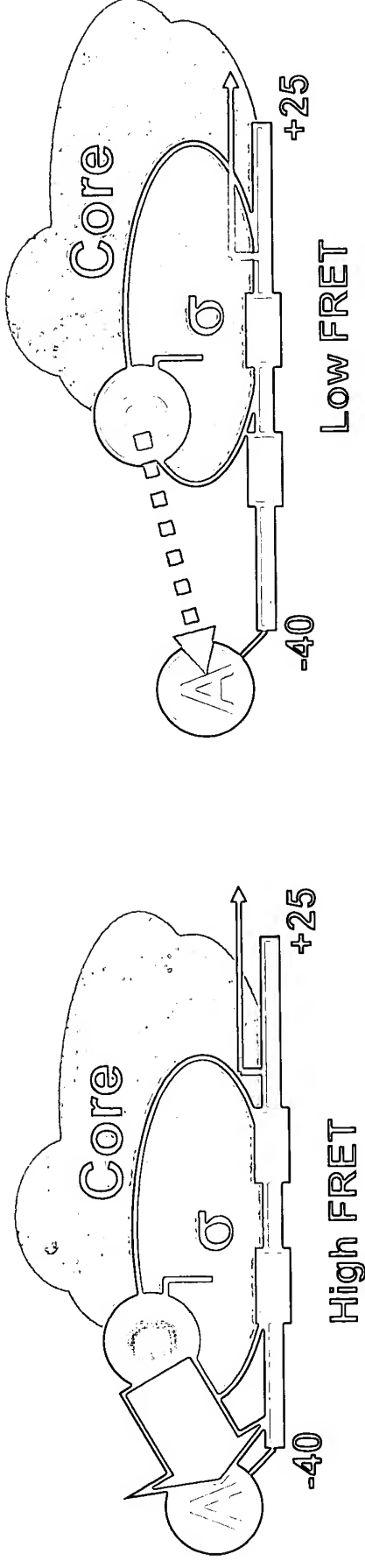
FRET Efficiency, $E = [1 + (R/R_0)^6]^{-1}$

R = D-A Distance

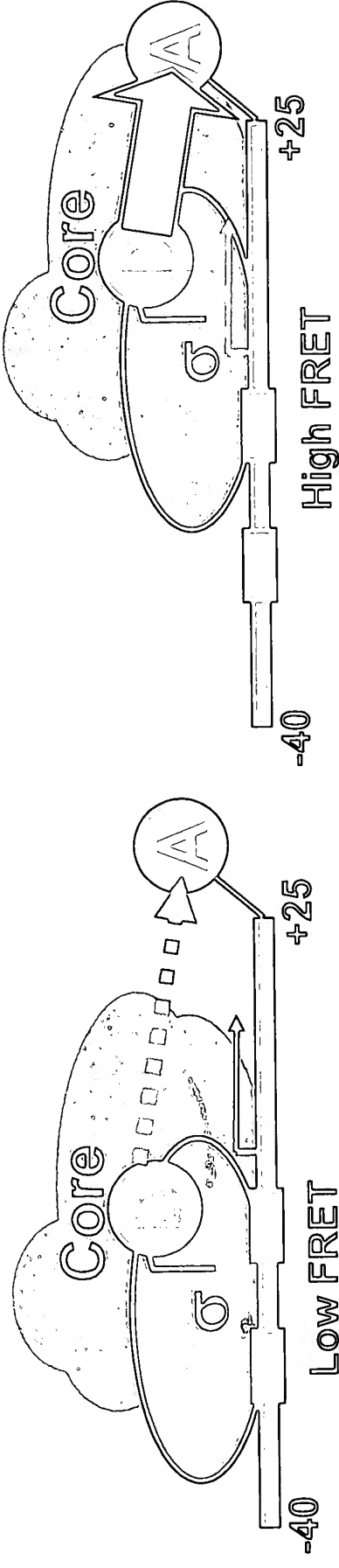
TRAILING-EDGE and LEADING-EDGE FRET:

Assay of translocation of a protein relative to a nucleic acid

Trailing-edge FRET



Leading-edge FRET

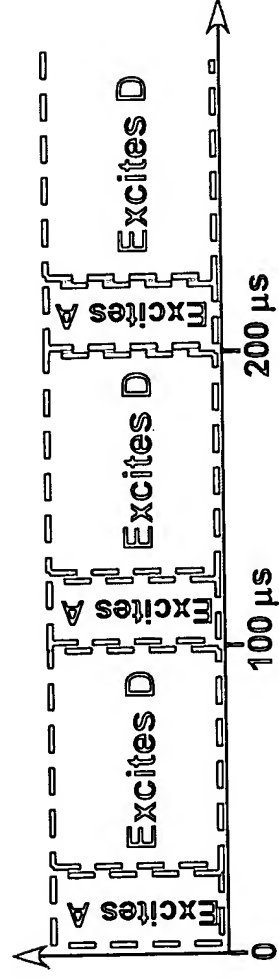


LIMITATIONS OF SINGLE-LASER EXCITATION spFRET

- Complex FRET Acceptor photophysics
 - "Dark" states → D-only peak
 - Photobleaching → D-only peak
 - Intermittency ("Blinking")
- Complex FRET Donor photophysics
 - Intermittency
 - Transient QY changes
- Limited discrimination ability in the FRET coordinate
 - FRET range of 0-0.3 not easily accessible
- Variable fluorescence contamination
 - Adds variable counts to D-only peak

sp-FRET USING ALTERNATE LASER EXCITATION (ALEX)

EXCITATION PROFILE



EMISSION PROFILES

Relevant transcription species

A-only species

DNA^A

D-only species

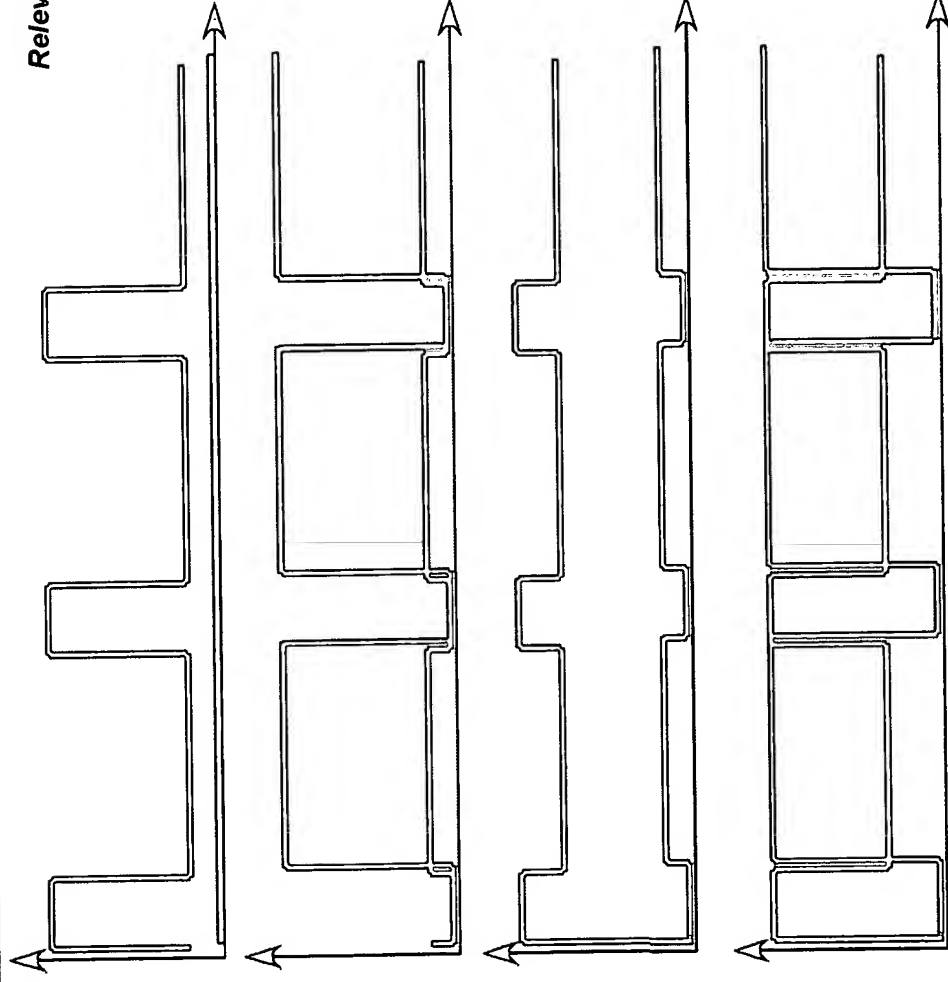
RNAP σ^D

D-A species,
high FRET

RPo^{D-A},
Trailing-edge

D-A species
low FRET

RPo^{D-A},
Leading-edge



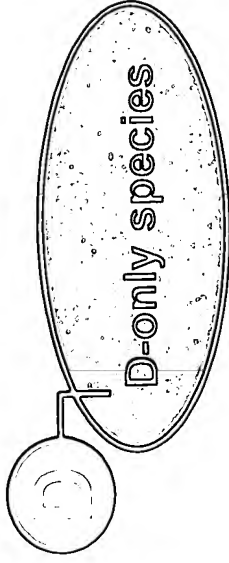
EQUATIONS

Energy transfer ratio (E)

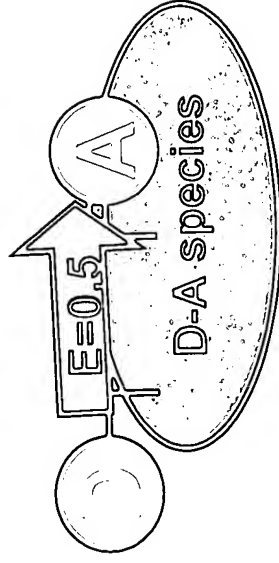
$$E = \frac{F_{670em, 514ex}^{DA}}{F_{670em, 514ex}^{DA} + F_{580em, 514ex}^{DA}}$$

ALEX-based ratio (ALEX)

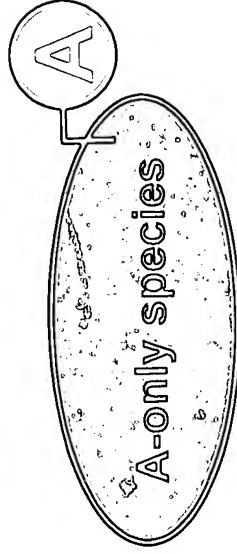
$$ALEX = \frac{F_{514ex}}{F_{514ex} + F_{638ex}} = \frac{F_{670em, 514ex} + F_{580em, 514ex}}{F_{670em, 514ex} + F_{580em, 514ex} + F_{670em, 633ex}}$$



$$ALEX = \frac{0 + 100}{0 + 100 + 0} \sim 1.0$$

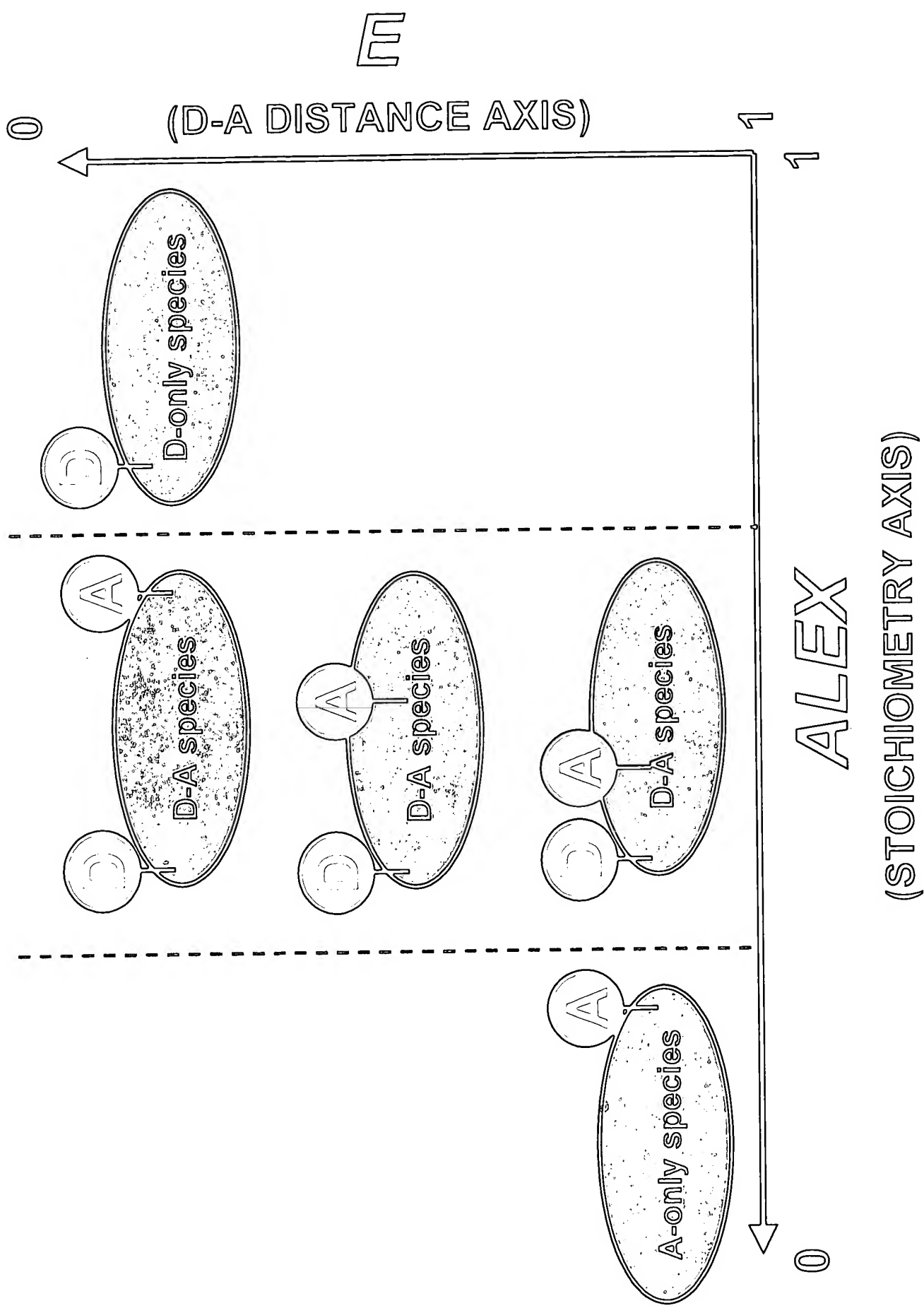


$$ALEX = \frac{50 + 50}{50 + 50 + 100} \sim 0.5$$

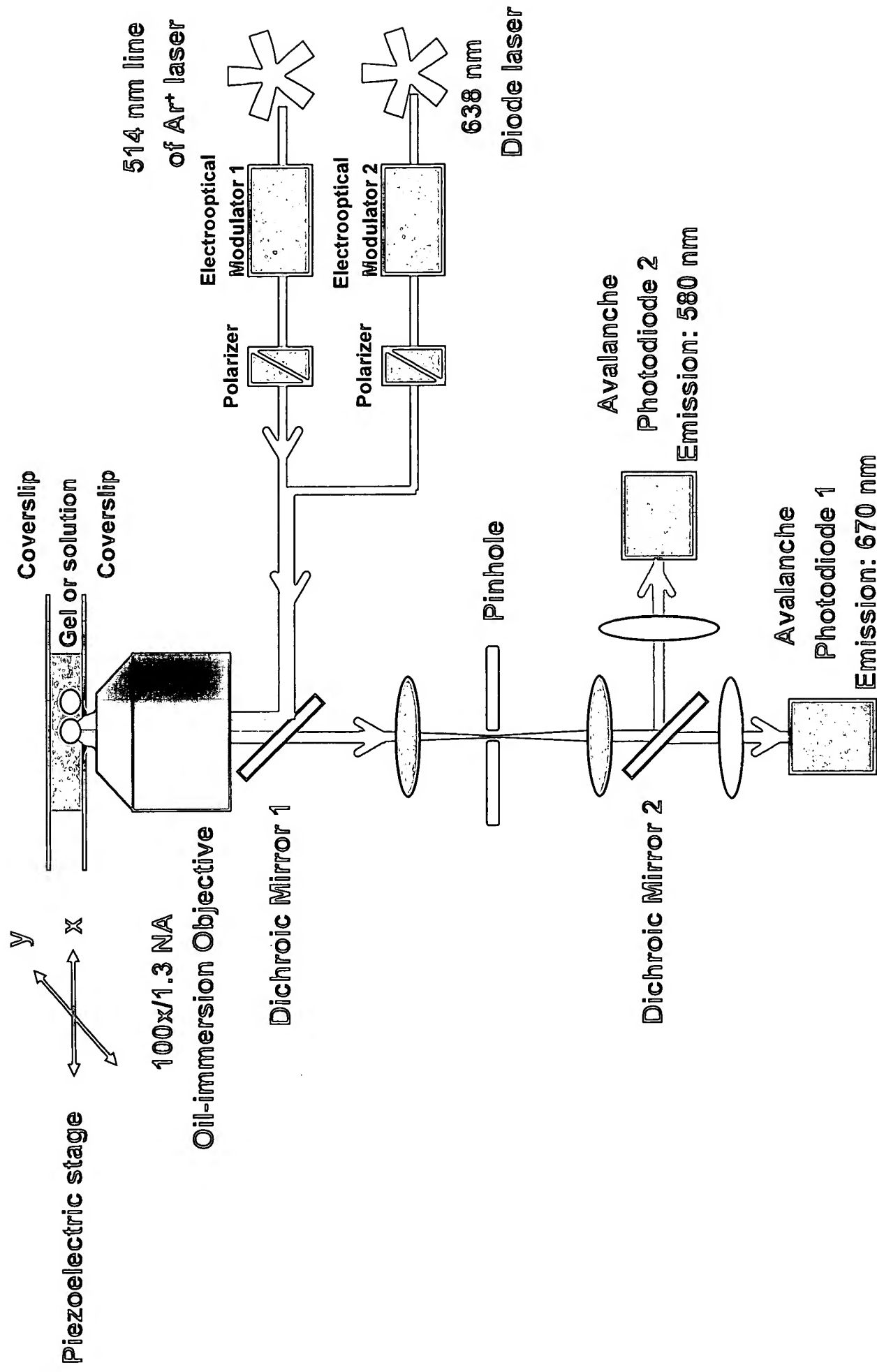


$$ALEX = \frac{0 + 0}{0 + 0 + 100} \sim 0.0$$

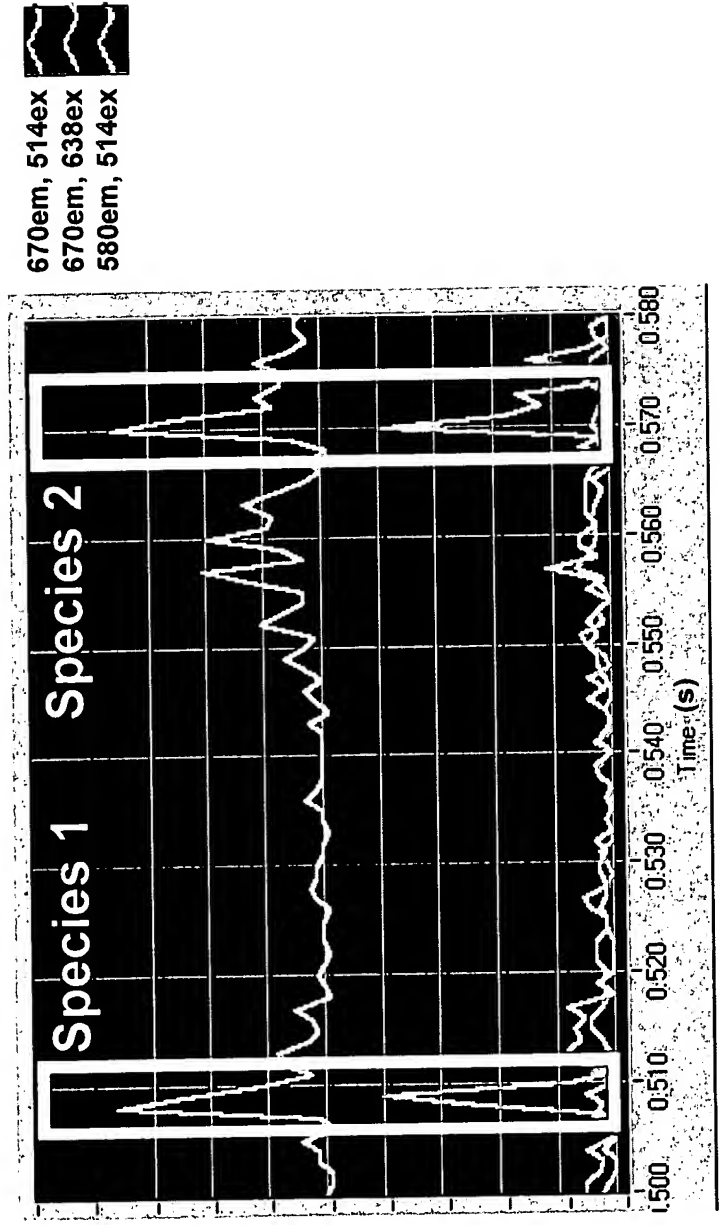
SORTING SPECIES USING E, ALEX



ALEX SINGLE-MOLECULE CONFOCAL MICROSCOPY



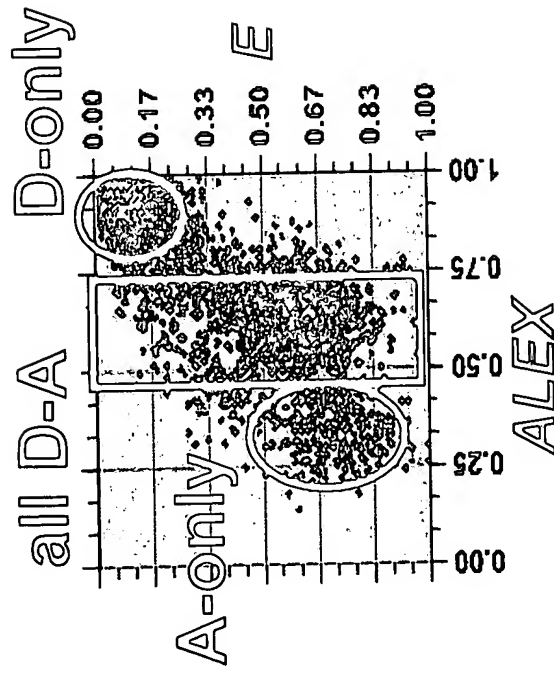
DATA ANALYSIS FOR INDIVIDUAL SPECIES



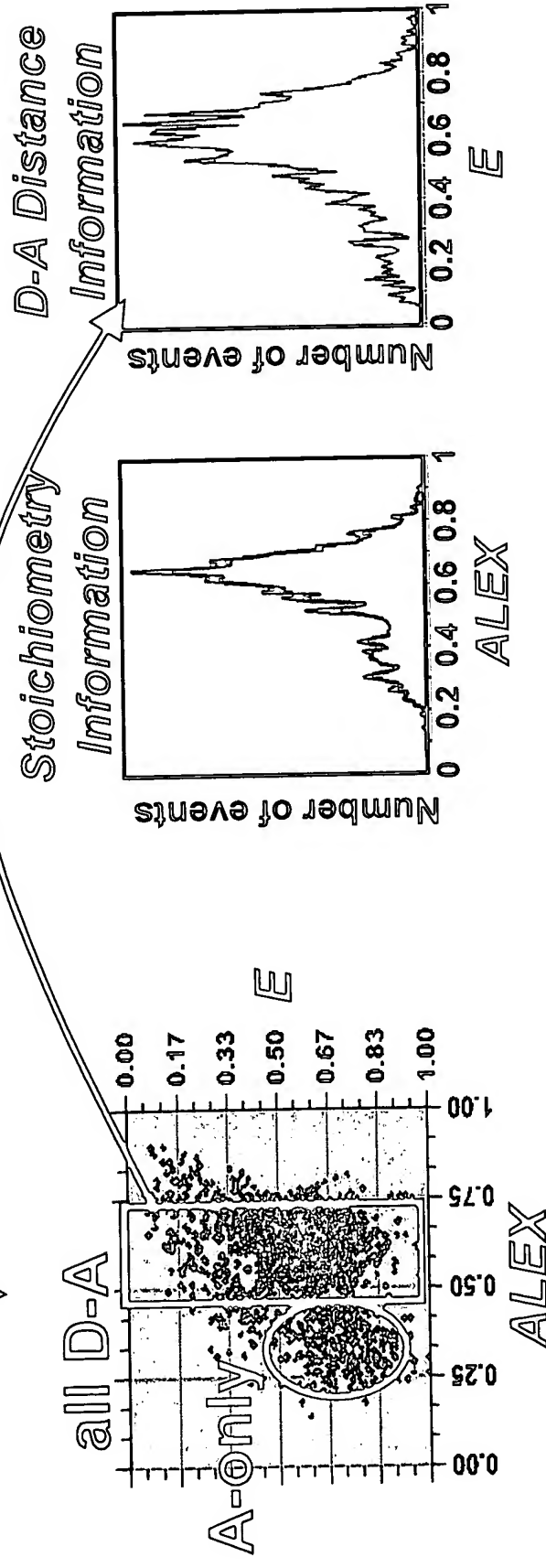
Species 1 Species 2

670em, 514ex	71	85
670em, 638ex	69	93
580em, 514ex	7	11
FRET-sensitized A	52	60
E, simplified	91%	88%
E, FRET-sensitized A	91%	77%
ALEX	0.49	0.66

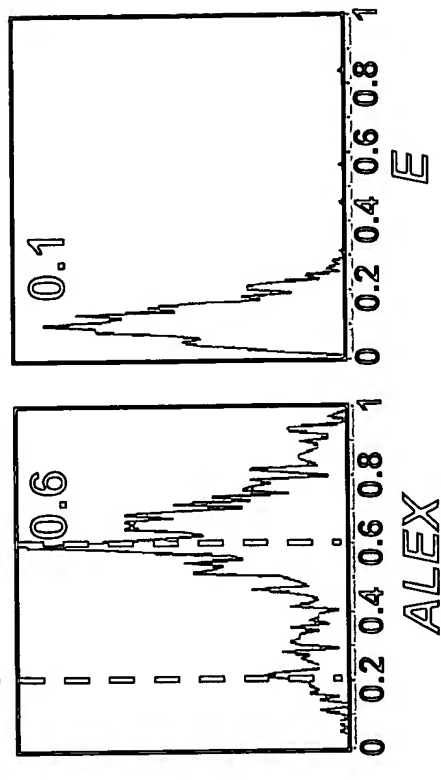
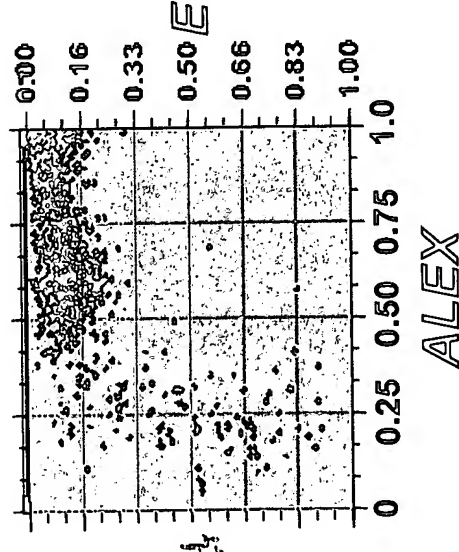
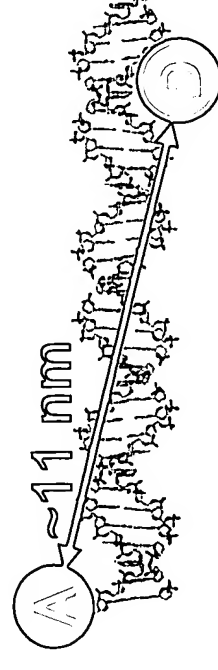
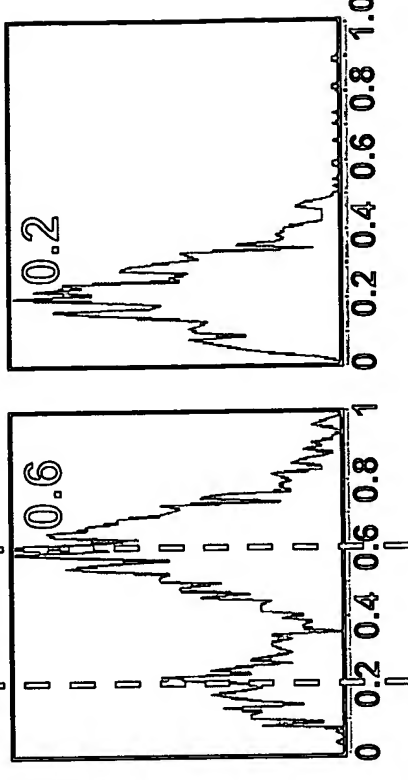
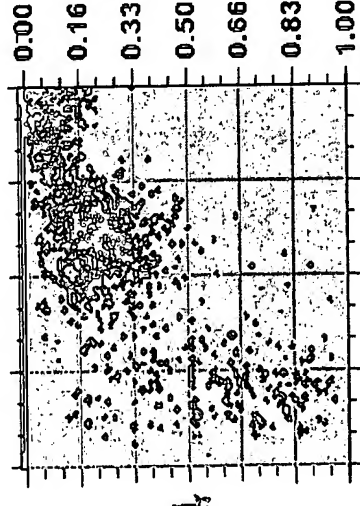
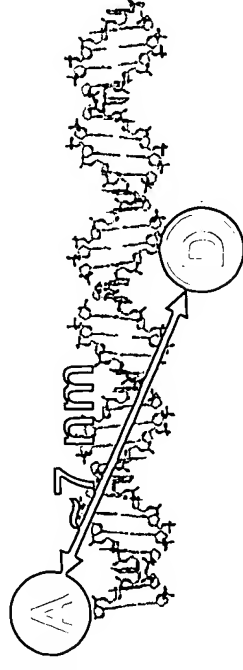
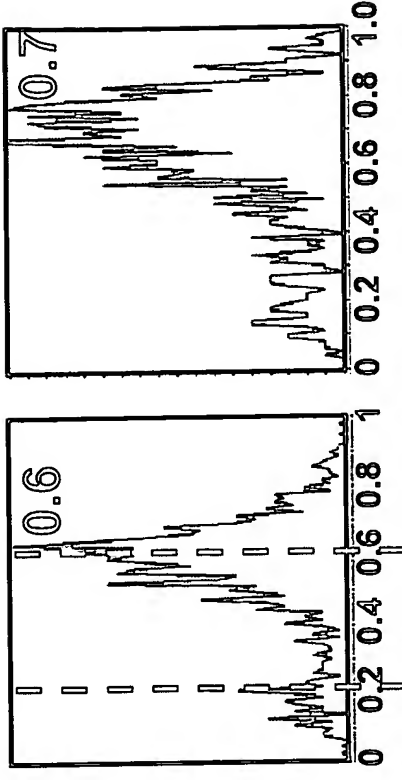
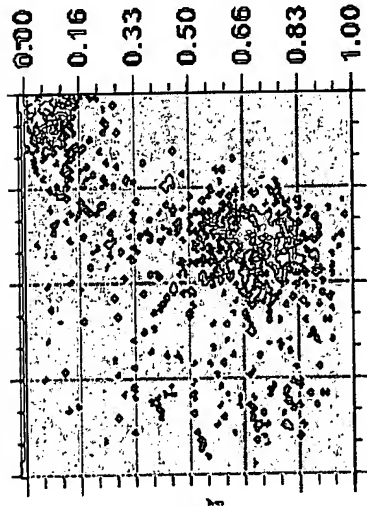
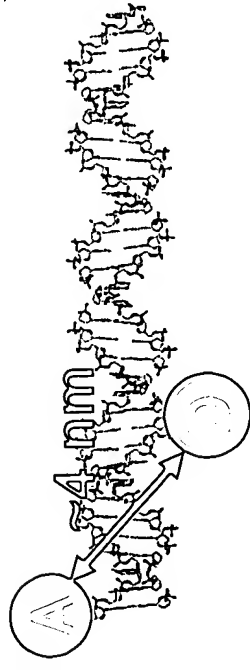
DATA ANALYSIS USING E-ALEX 2-D HISTOGRAMS



$F_{670em, 638ex} > 15 \text{ KHz}$

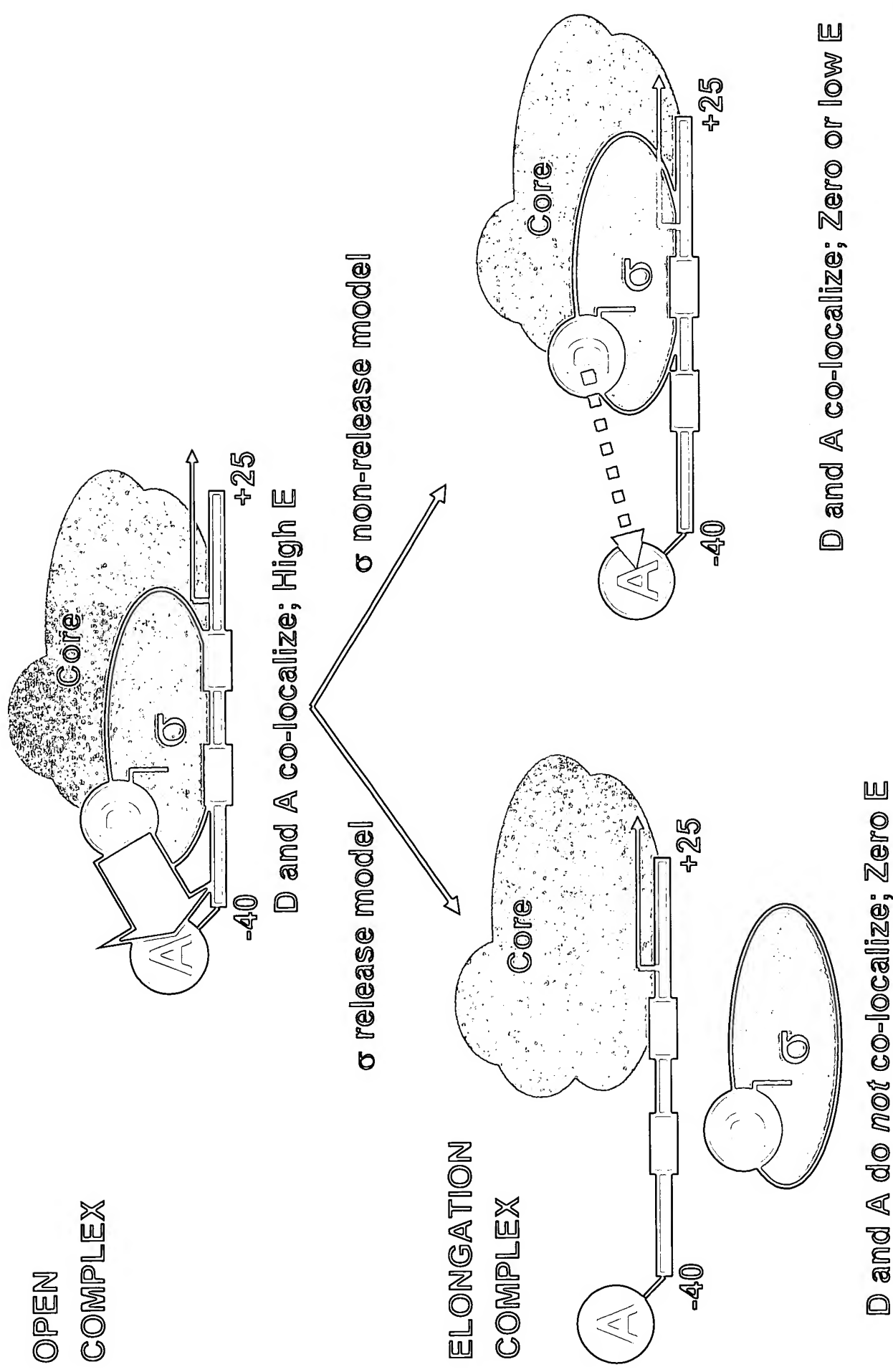


MODEL SYSTEMS: dsDNA



$R_{0,D-A} \sim 5.5 \text{ nm}$

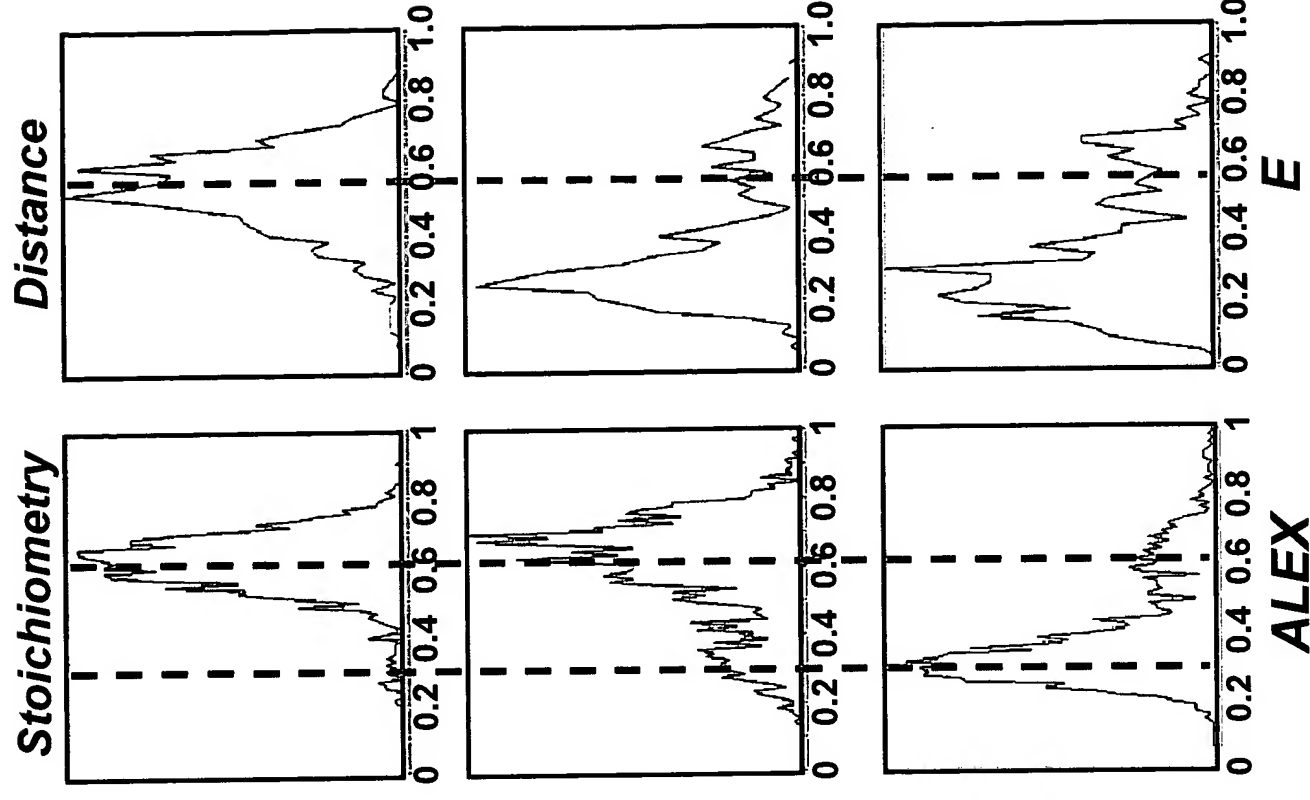
USING TRAILING-EDGE sp-FRET TO ANALYZE SIGMA RELEASE UPON PROMOTER ESCAPE



TRAILING-EDGE spFRET

RNAP σ ^{TMR,569} \rightarrow lacUV5-11^{Cy5,-40}

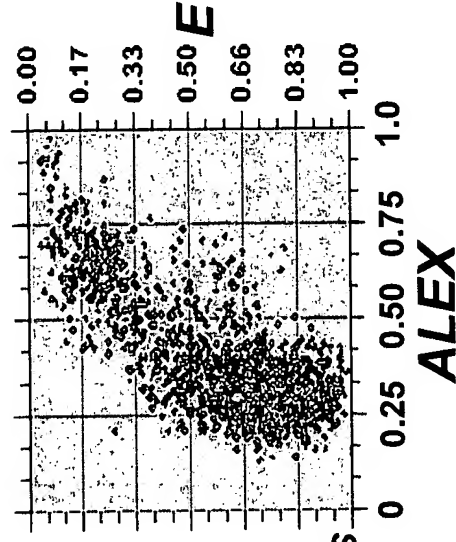
RPo + ApA
(RP_{itc,2})
(equivalent to RPo)



RPo + ApA
+ 12.5 μ M UTP/GTP/ATP
(RD_{e,11})

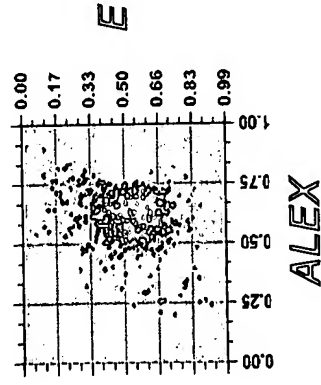
RPo + ApA
+ 60 μ M NTPs
(chase)

ABILITY OF STALLED COMPLEXES
TO RESUME TRANSCRIPTION

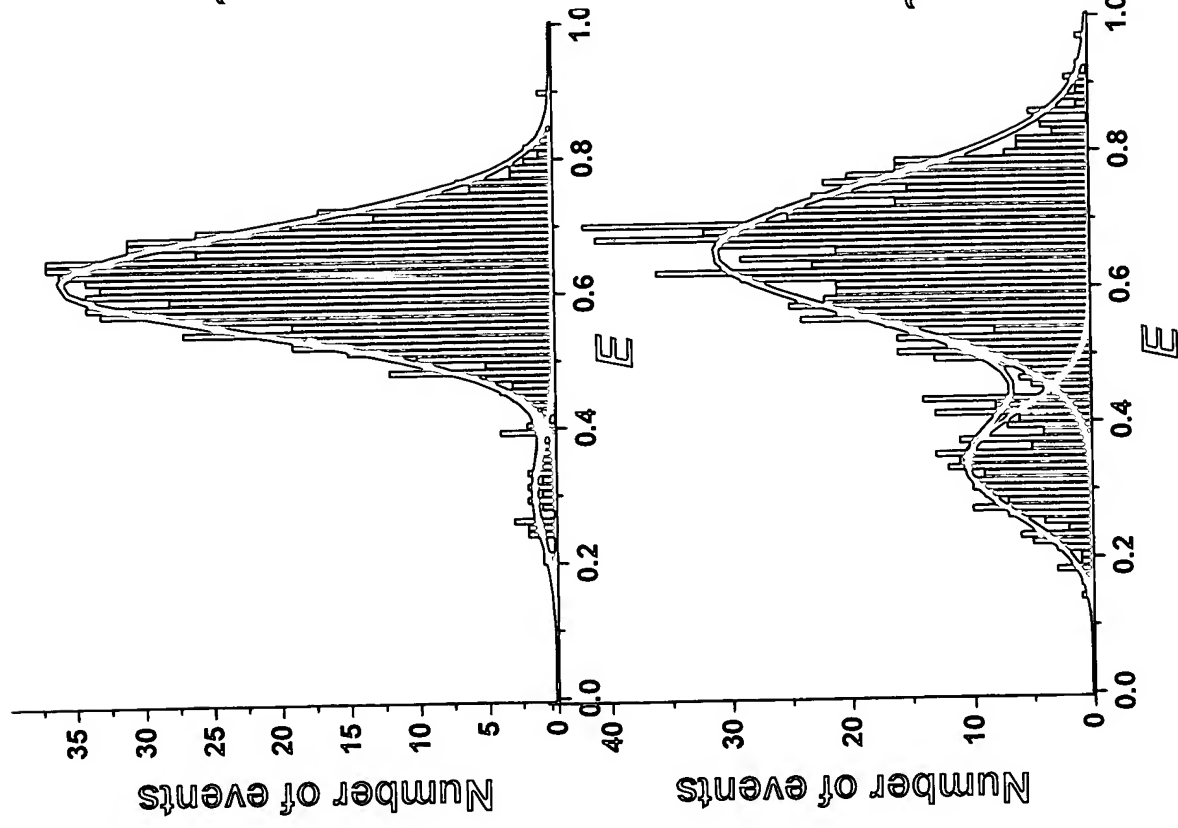
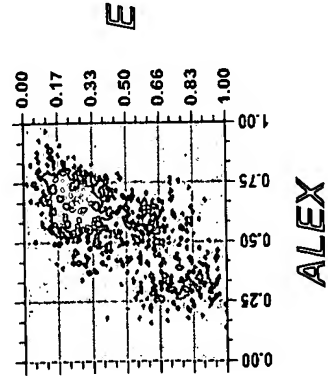


DIRECT OBSERVATION OF SIGMA NON-RELEASE: TRAILING-EDGE spFRET

RP_{itc,2}



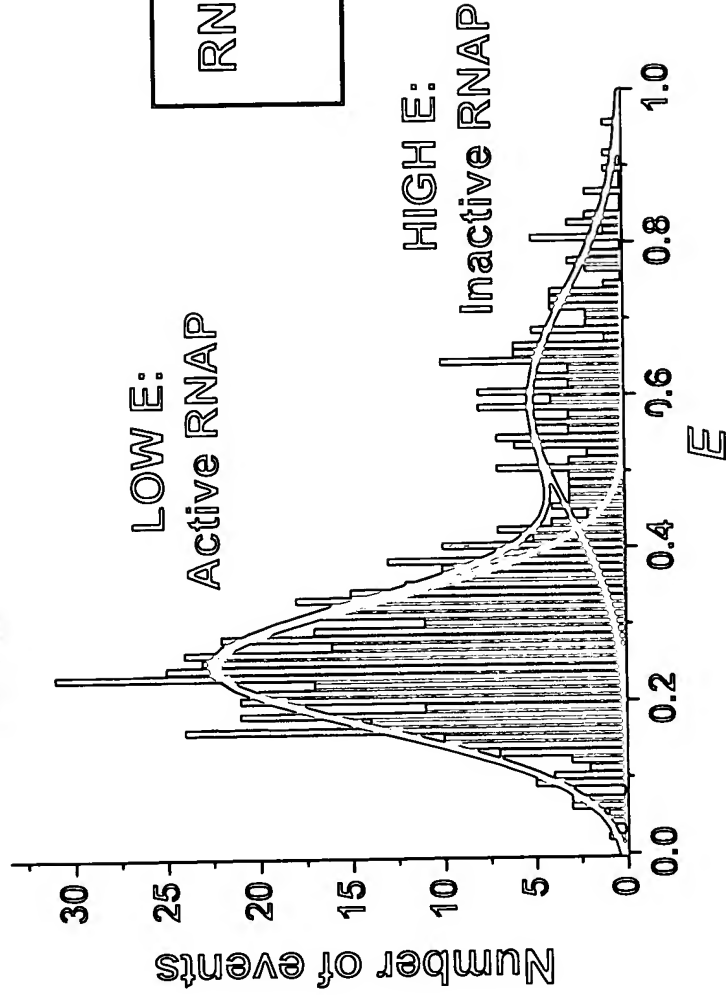
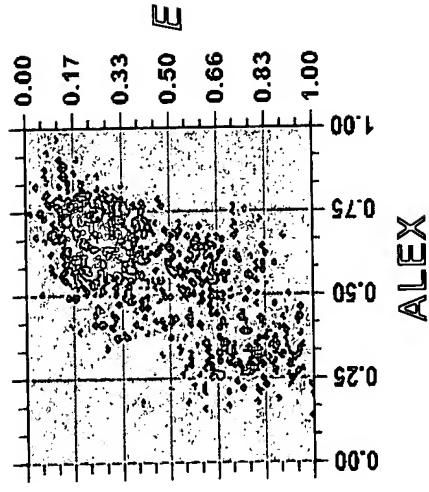
RD_{e,11}



$$\% \text{ Dissociation} = \frac{(A\text{-only})}{(A\text{-only}) + (\text{all } D\text{-}A)}$$

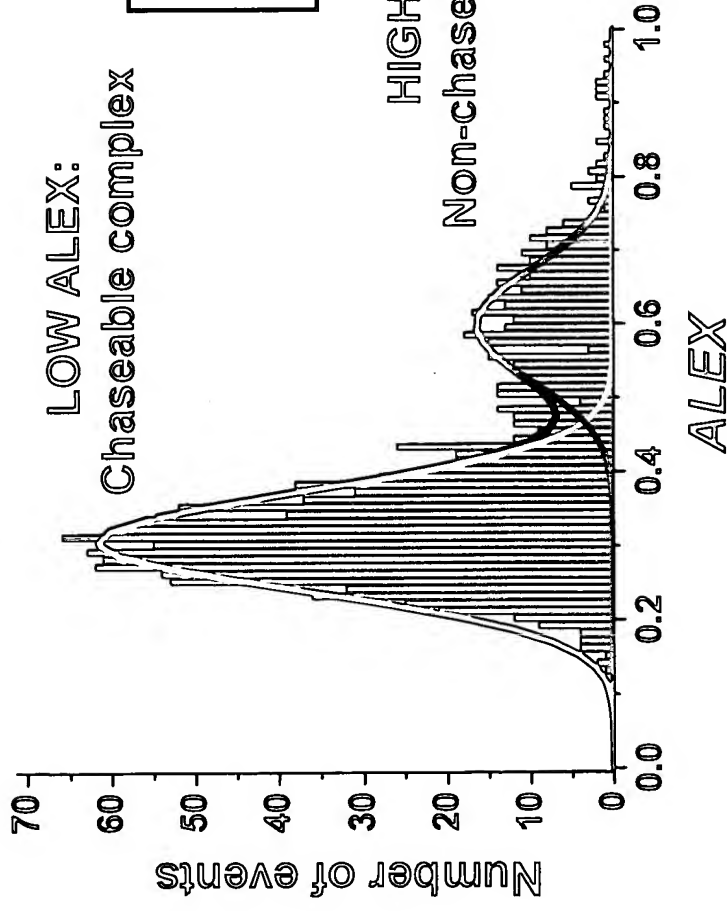
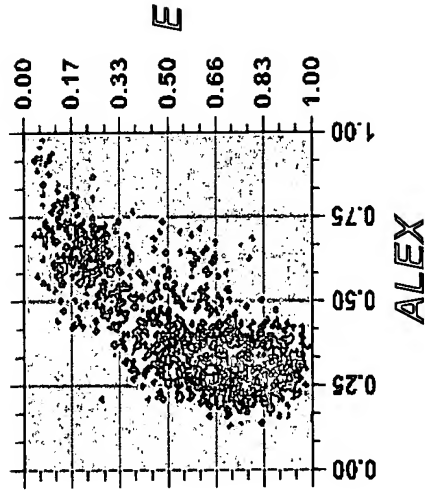
E HISTOGRAM MONITORS ABILITY OF RNAP TO TRANSLOCATE UPON ESCAPE: TRAILING-EDGE spFRET

RPO + ApA + 12.5 μ M UTP/GTP/ATP (RD_{e,11})

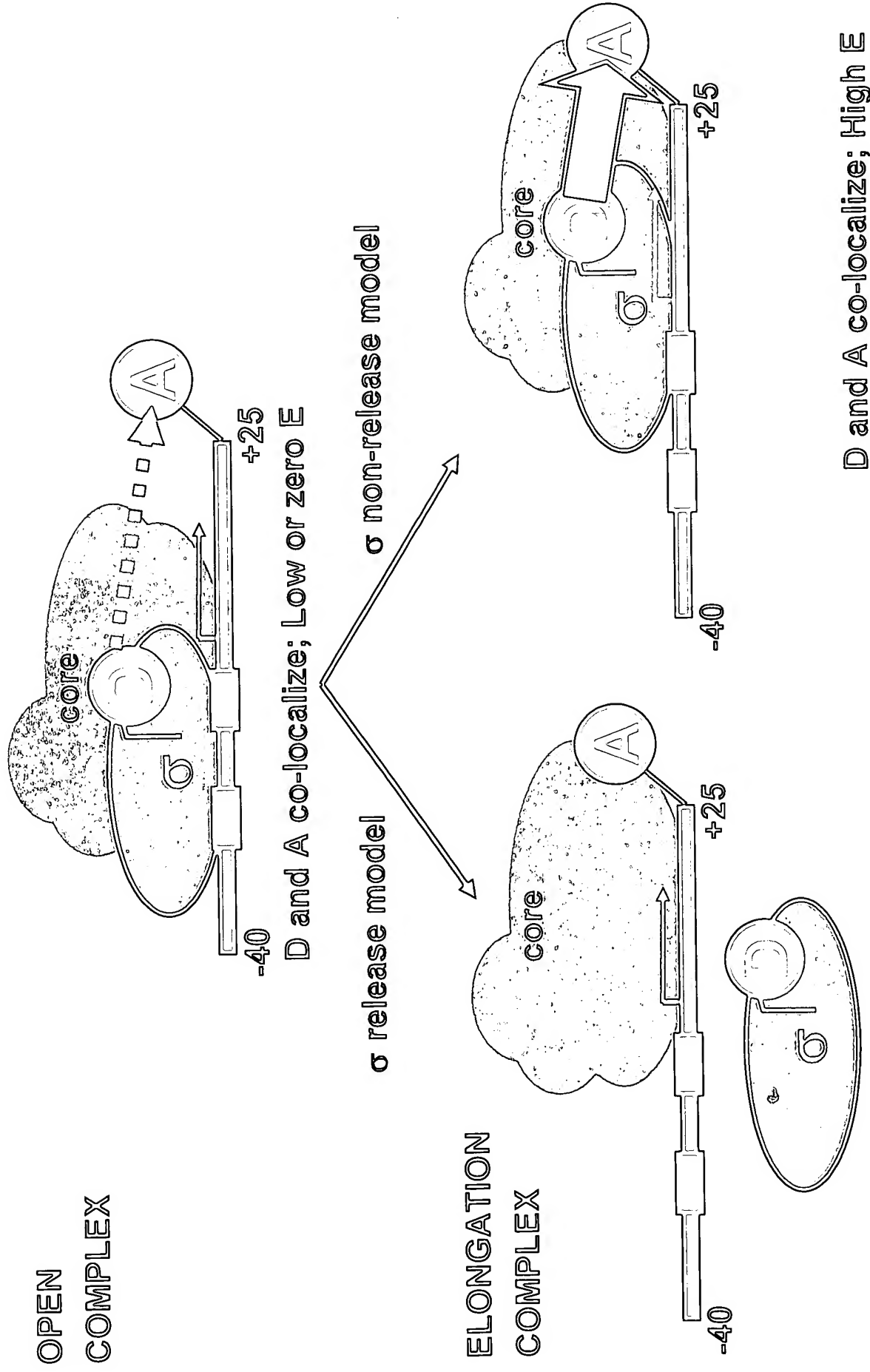


DISSOCIATION HISTOGRAM MONITORS ABILITY OF RNAP TO BE “CHASED”: TRAILING-EDGE spFRET

RPO + ApA + 60 μ M NTPs (chase)



USING LEADING-EDGE spFRET TO ANALYZE SIGMA RELEASE UPON PROMOTER ESCAPE



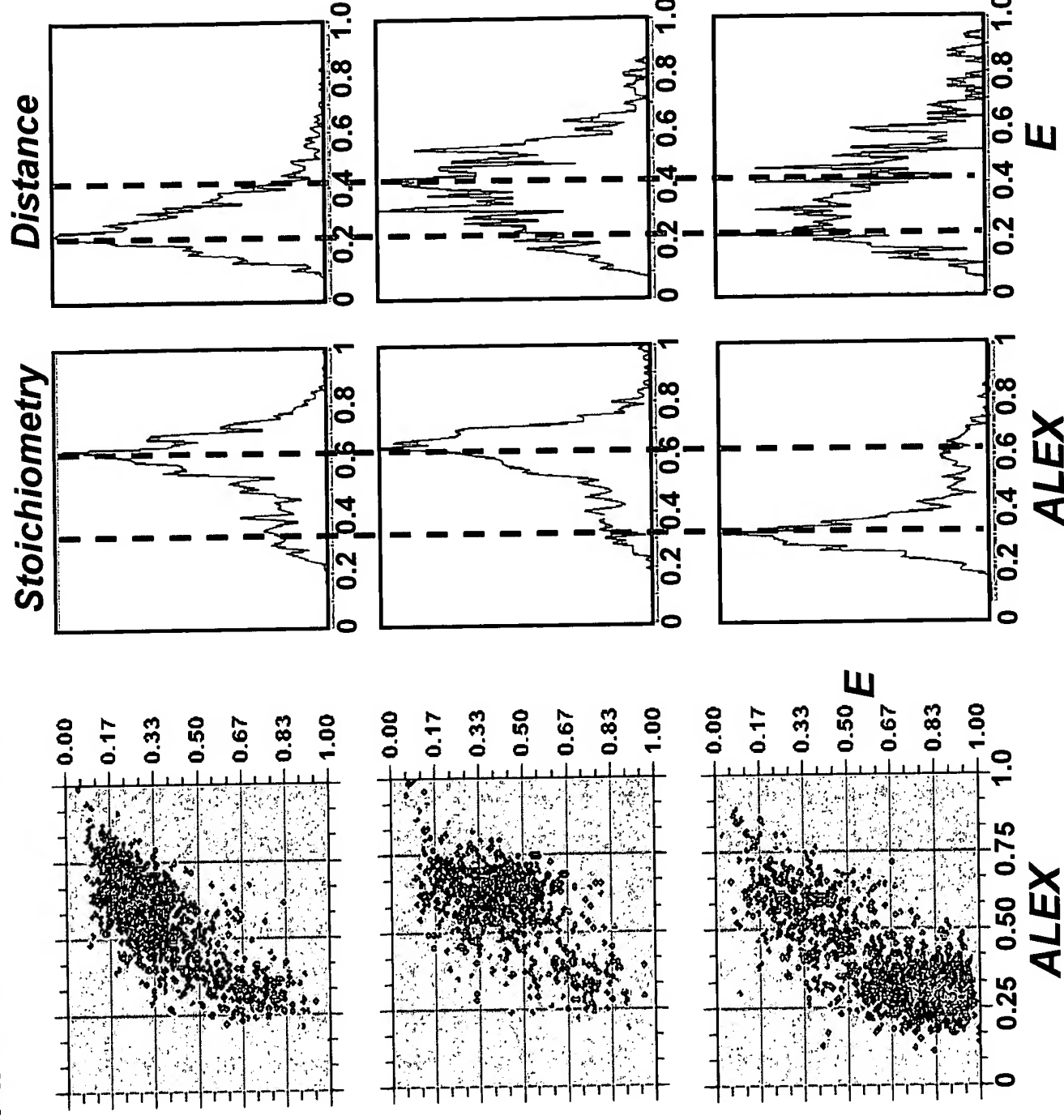
LEADING-EDGE spFRET

$\text{RNAP}_{\sigma}^{\text{TMR},366} \rightarrow \text{lacUV5-11Cy5,+25}$

RPo + ApA

(RP_{itc,2})

(equivalent to RPo)



RPo + ApA

+ 12.5 μM UTP/GTP/ATP

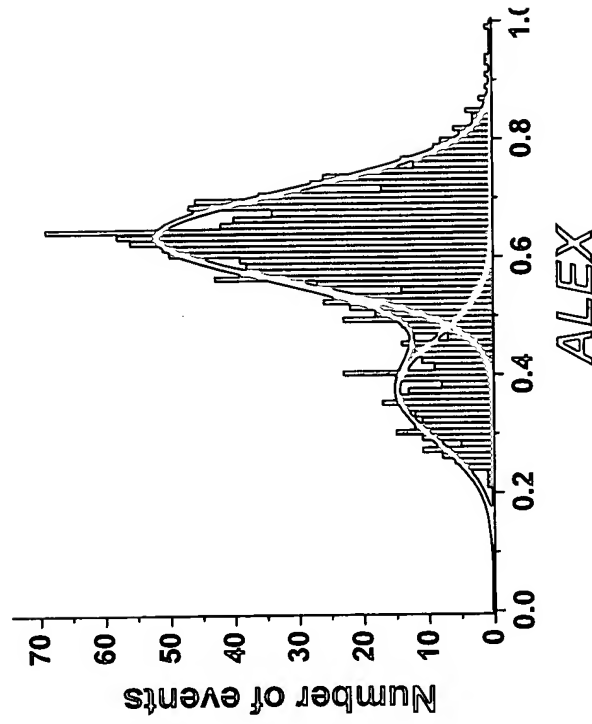
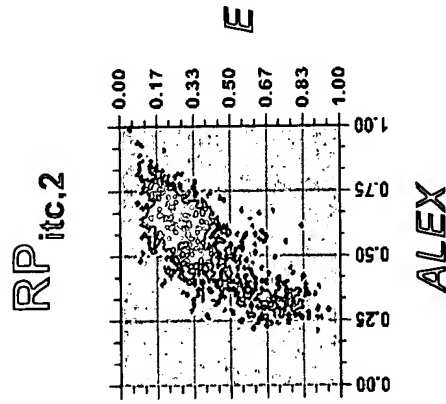
(RD_{e,11})

RPo + ApA

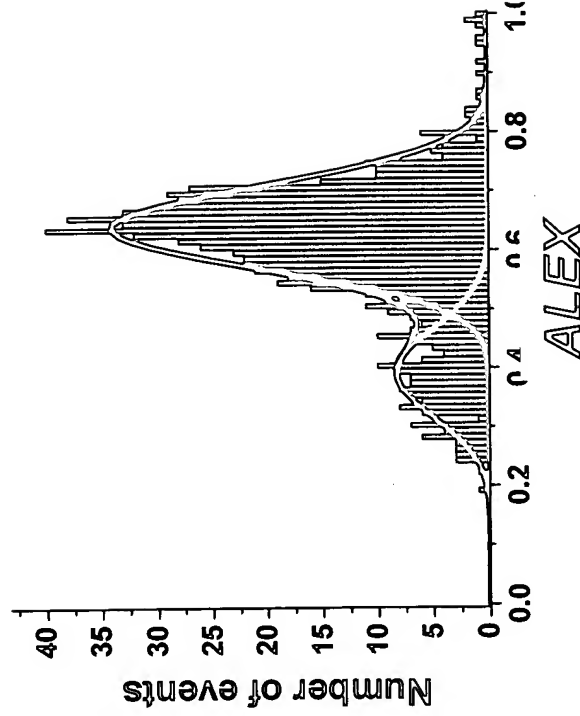
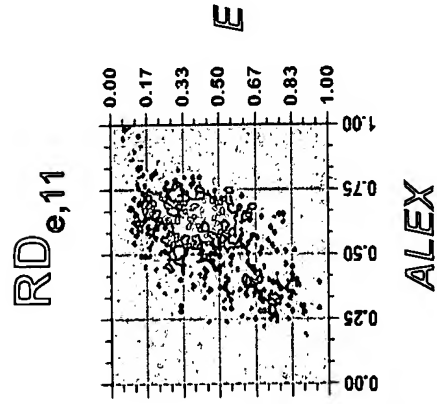
+ 60 μM NTPs

(chase)

DIRECT OBSERVATION OF SIGMA NON-RELEASE: LEADING-EDGE spFRET



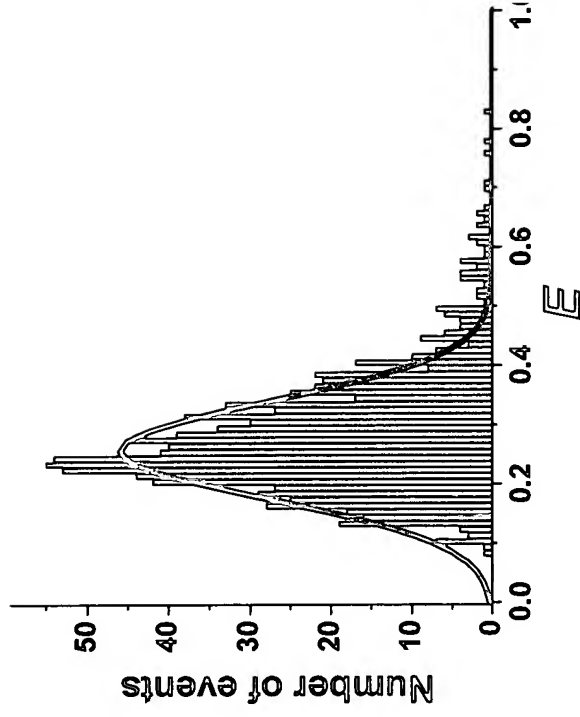
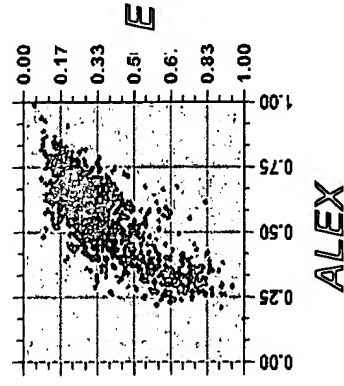
~20% dissociation



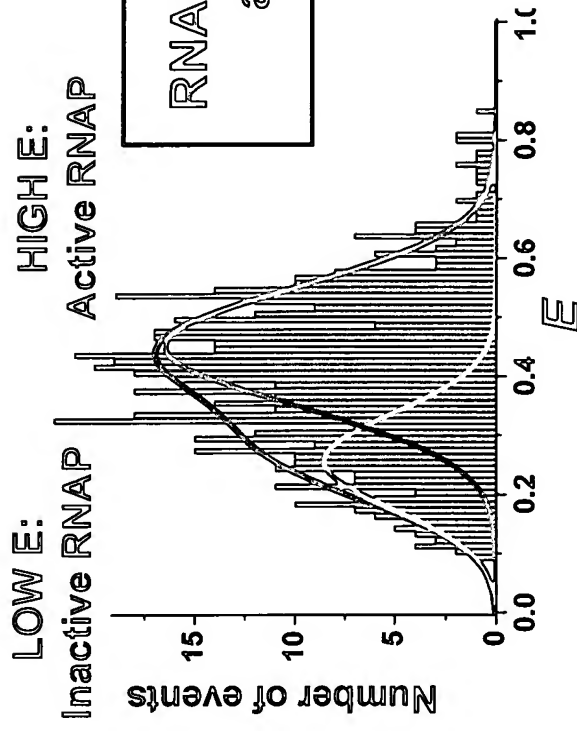
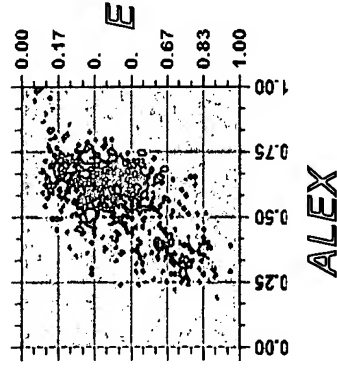
~20% dissociation

E HISTOGRAM MONITORS ABILITY OF RNAP TO TRANSLOCATE UPON ESCAPE: LEADING-EDGE spFRET

RPO + ApA (RP_{itc,2})



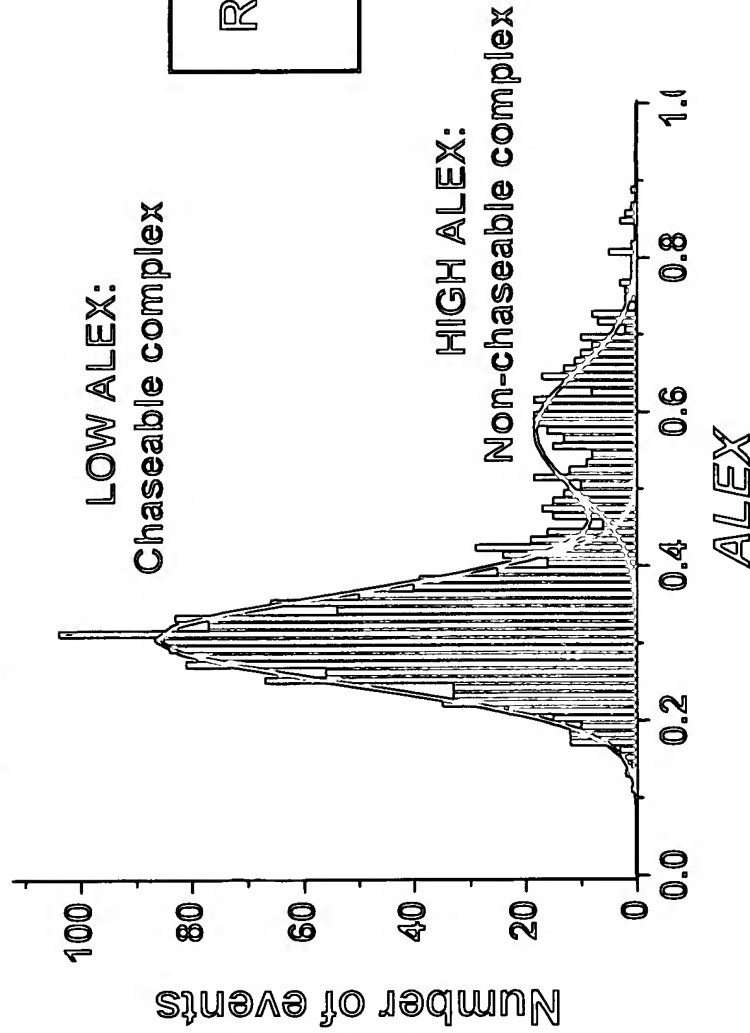
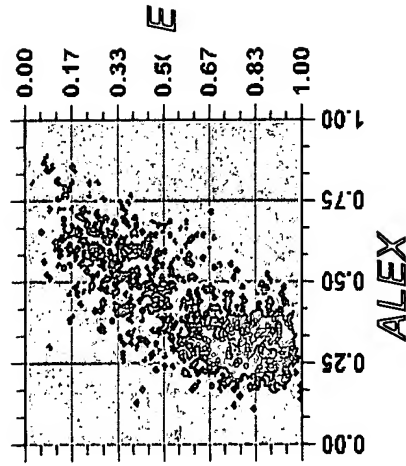
RPO + ApA + 12.5 μ M UTP/GTP/ATP
(RD_{e,11})



RNAP translocational
activity = 72%

DISSOCIATION HISTOGRAM MONITORS ABILITY OF RNAP TO BE "CHASED": LEADING-EDGE SPFRET

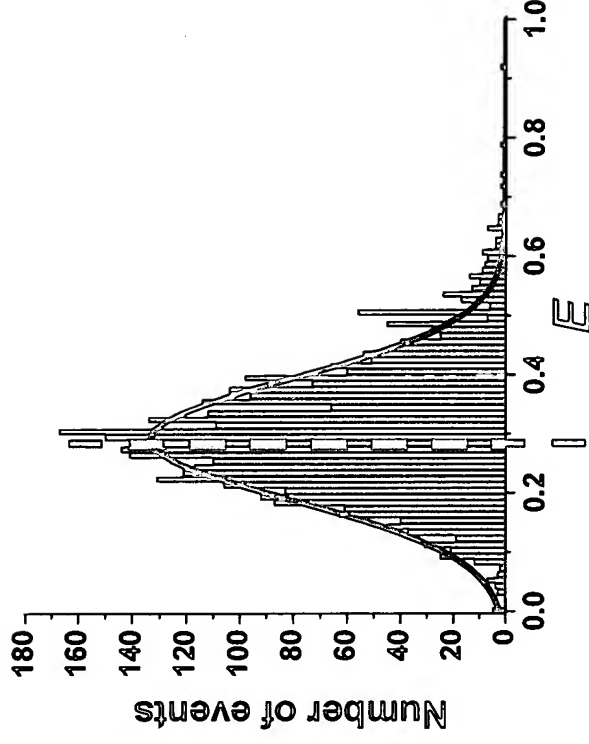
RPO + ApA + 60 μ M NTPs (chase)



RNAP "chaseability"
= 80%

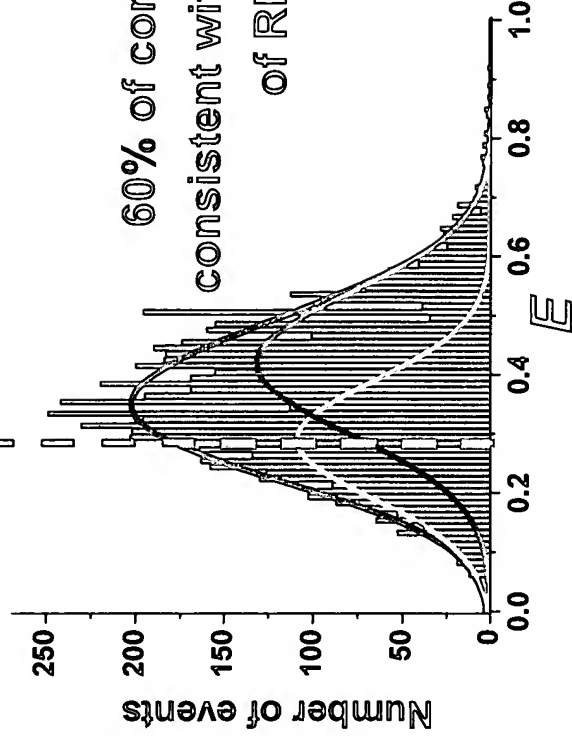
LEADING-EDGE SPFRET DETECTS MOVEMENT OF LEADING EDGE DURING ABORTIVE INITIATION

RPO + ApA
(RP_{itc,2})



60% of complexes show higher E;
consistent with downstream movement
of RNAP leading edge

RPO + ApA
+ 25 μ M UTP/GTP
(RD_{e,7})



TRAILING-EDGE spFRET ON SURFACE-IMMOBILIZED RP₀ COMPLEXES

Excitation: 514 nm line of Ar⁺ laser

D Emission
(580–620 nm)

A Emission
(650–700 nm)

D **A**
Overlay

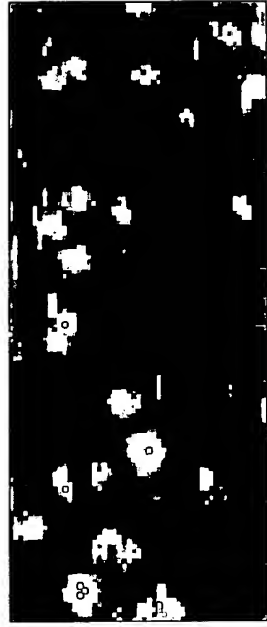
4 μm



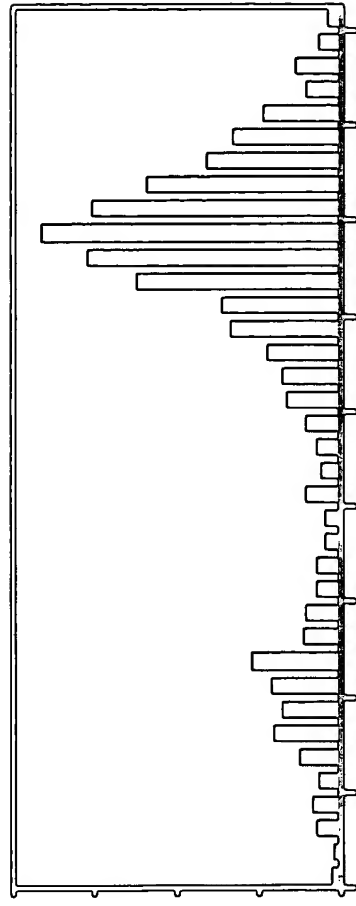
0

0

10 μm



Number of events



-0.4 -0.2 0 0.2 0.4 0.6 0.8 1 1.2 1.4

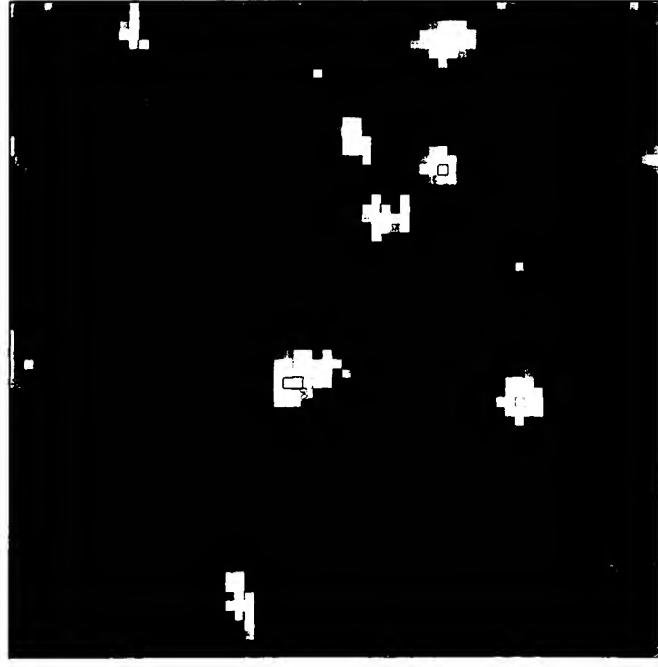
E

$$E = \frac{I_A}{I_A + \gamma I_D}$$

IMAGING AND TIME-TRAJECTORIES OF SINGLE RP_0 COMPLEXES

Single-step
photobleaching:
evidence for imaging
single RP_0 .

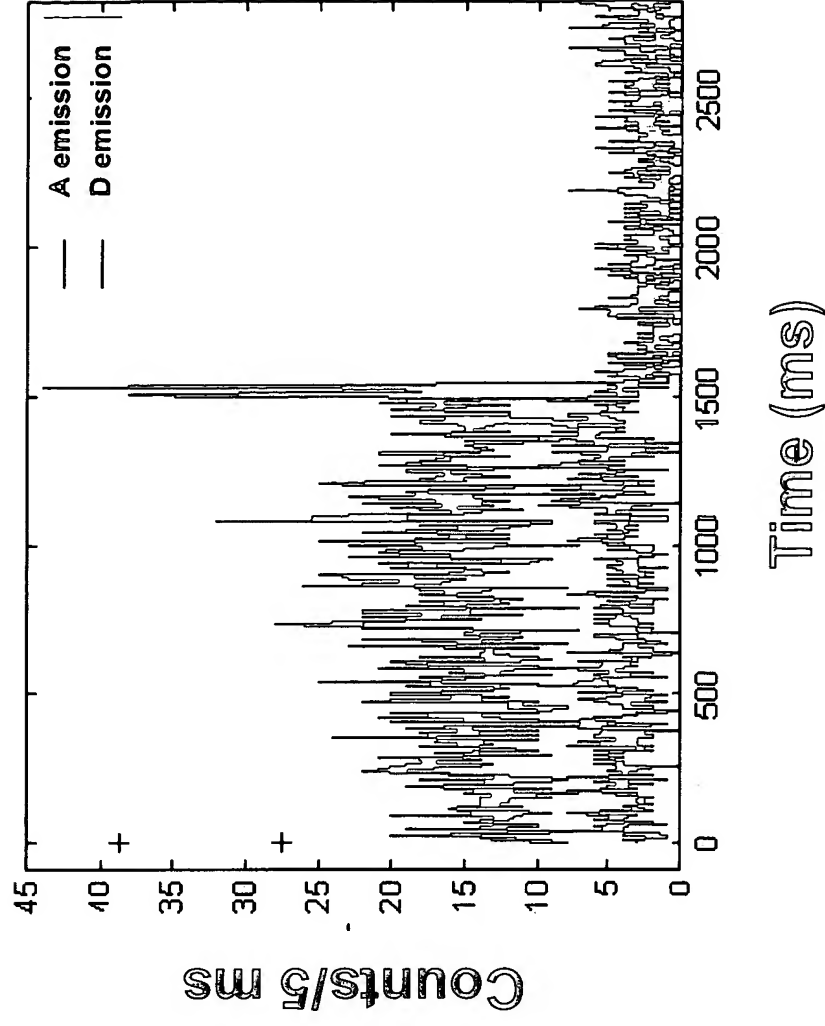
5 μm



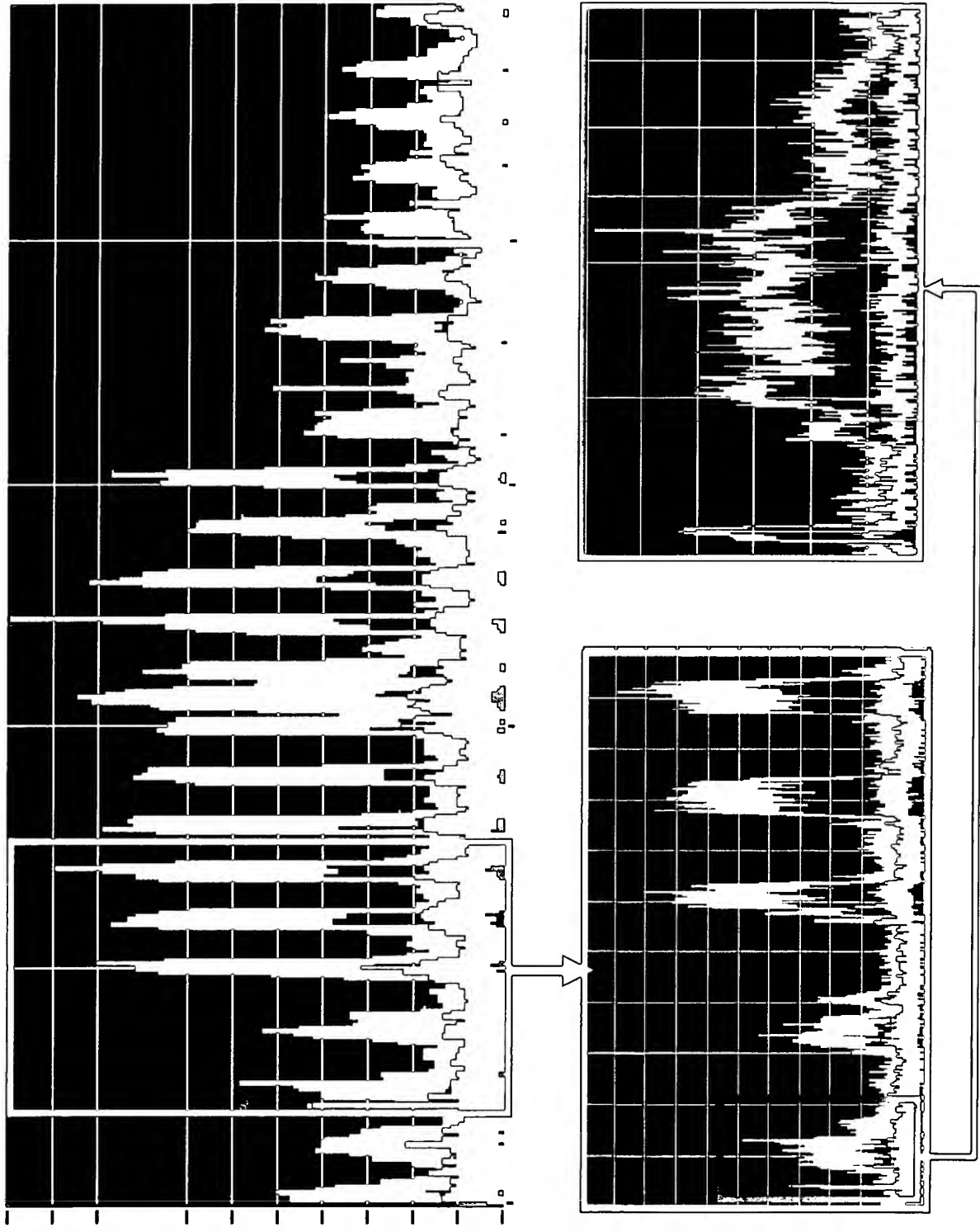
0

5 μm

Time-trajectory for a single
 RP_0 showing TE-FRET



MONITORING SINGLE-ENZYME DYNAMICS ON IMMOBILIZED MOLECULES



CONCLUSIONS

- Developed robust assays for analysis of structure, dynamics, and activity of protein-DNA complexes
- Confirmed sigma presence in early elongation complexes
- Determined activity for translocation and for chase reactions
- Detected movement of leading edge during abortive initiation
- Future work:
 - Abortive initiation mechanism
 - Sigma dynamics at various transcription steps

ACKNOWLEDGEMENTS

Shimon Weiss (UCLA)

Sören Doose

Thilo Lacoste

Ted Laurence

Nam Ki Lee

Emmanuel Margeat

Xavier Michalet

Collaborators:

Richard Ebright (Rutgers U.)

Ekaterine Kortkhonja

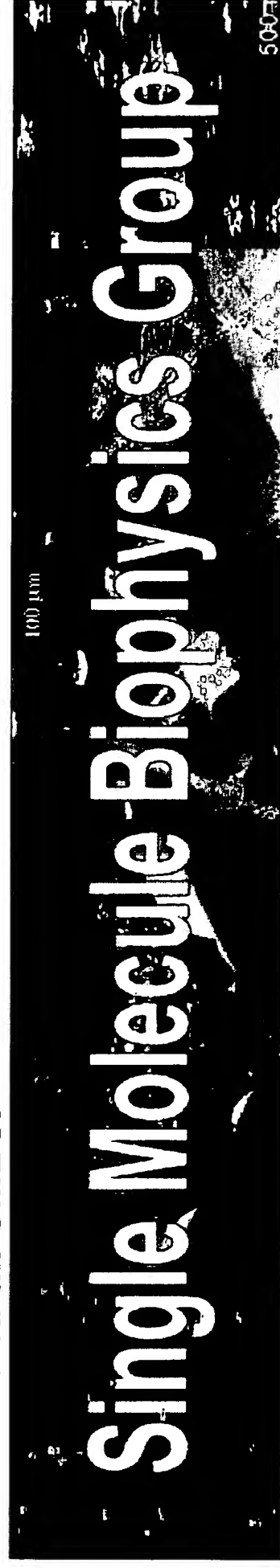
Vladimir Mekler

Jayanta Mukhopadhyay

Andrey Revyakin

Philip Tinnefeld (U.Heidelberg)

and all SMBs!

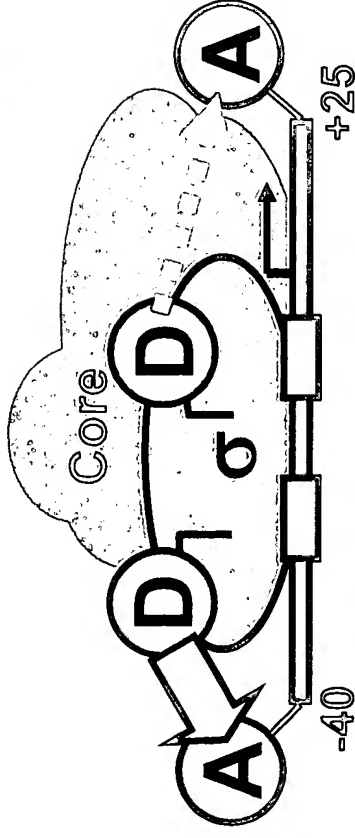


Funding: DOE, NIH

TRAILING-EDGE and LEADING-EDGE FRET:

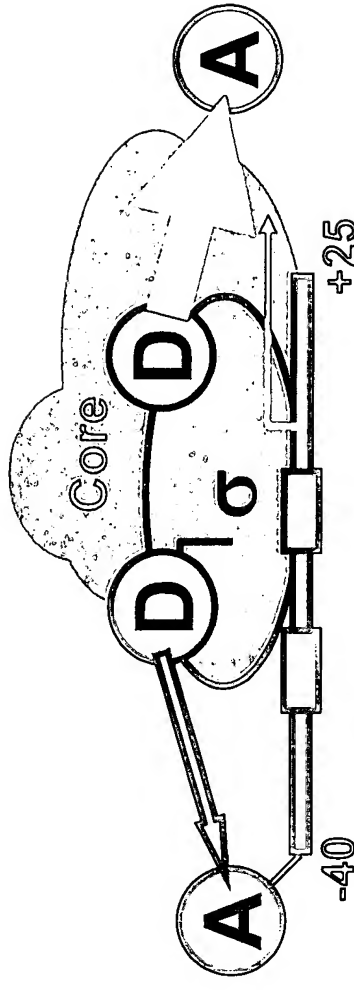
Assay of translocation of a protein relative to a nucleic acid

Trailing-edge/leading-edge FRET (TELE-FRET)



Ruler 1: High FRET

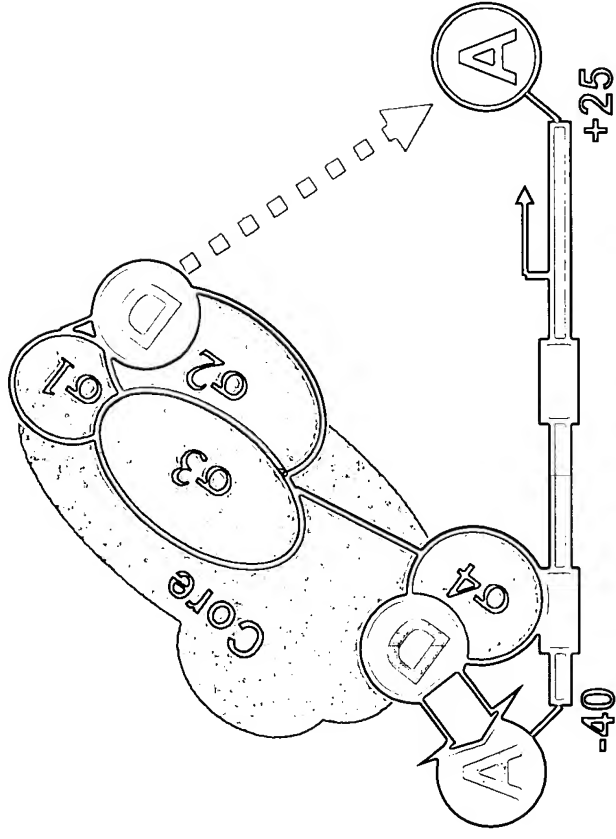
Ruler 2: Low FRET



Ruler 1: Low FRET

Ruler 2: High FRET

Step-Sequence of formation of promoter contacts using 2 FRET rulers



Ruler 1: High FRET

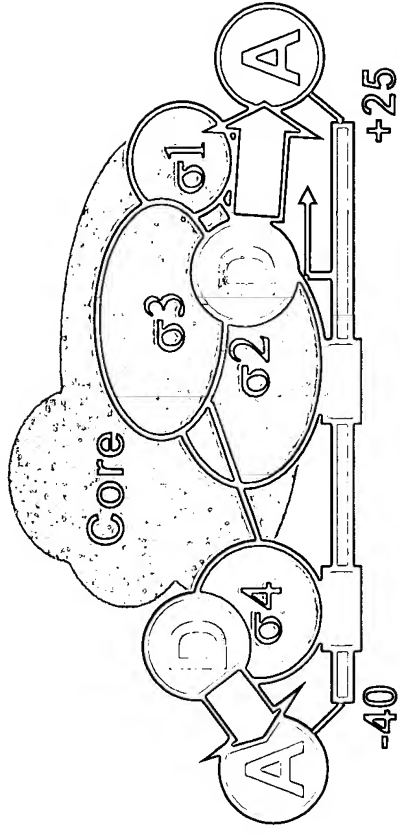
Ruler 2: Low FRET



Ruler 1



Ruler 2



Ruler 1: High FRET

Ruler 2: High FRET



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Shimon Weiss

Appl. No.: 10/561,448

Confirmation No.: 8178

Filed: December 20, 2005

For: MODULATED EXCITATION
FLUORESCENCE ANALYSIS

Art Unit: 2877

Examiner: F.L. Evans

Atty. Docket No.: 58086-226455

Customer No.
26694

PATENT AND TRADEMARK OFFICE

DECLARATION UNDER 37 C.F.R. § 1.131

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, being duly warned, declare the following:

1. I am a co-inventor of the subject matter described and claimed in the above-identified U.S. patent application. I have reviewed the claims of this application as currently amended.

2. I understand that the Office Action dated November 30, 2007 rejected the examined claims of this patent application under 35 U.S.C. § 102(a) over published German patent application Publication No. DE 10210737 A1 by Krieger et al. that published March 20, 2003.

3. I, together with my co-inventors, conceived the invention described and claimed in at least independent claims 1 and 21 of this application, and reduced it to practice, prior to the March 20, 2003 publication date of the cited reference. Our prior invention is evidenced by a copy of a presentation by one of the co-inventors, Achillefs Kapanidis, at the Single-Molecule Biophysics Conference in Aspen, CO on January 7, 2003, (copy attached as Exhibit A).

4. As documented by Exhibit A, my co-inventors and I conceived the invention of at least current independent claims 1 and 21, and reduced it to practice, prior to January 7, 2003.

5. The acts described above in paragraphs 3 and 4 were carried out in the United States of America, or else in a WTO member country.

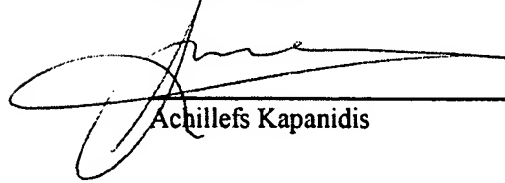
6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date

28 May 2008

Date

Shimon Weiss



Achillefs Kapanidis

Date

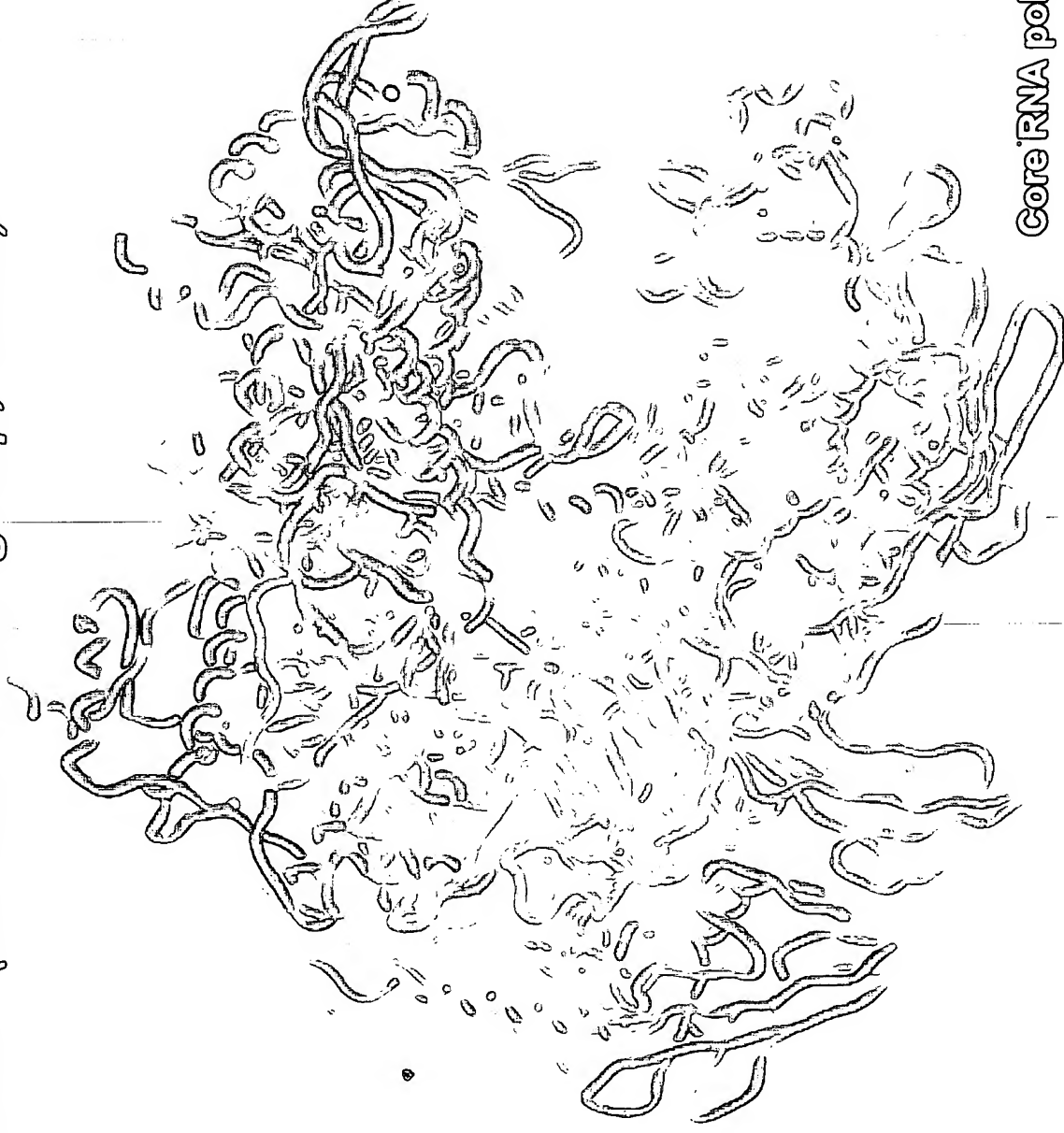
Ted A. Laurence

Date

Nam K. Lee

Exhibit A

*Molecular Machines at Work:
Single-Molecule Analysis of Transcription by RNA Polymerase
Achillefs Kapanidis (Shimon Weiss' group, UCLA)*

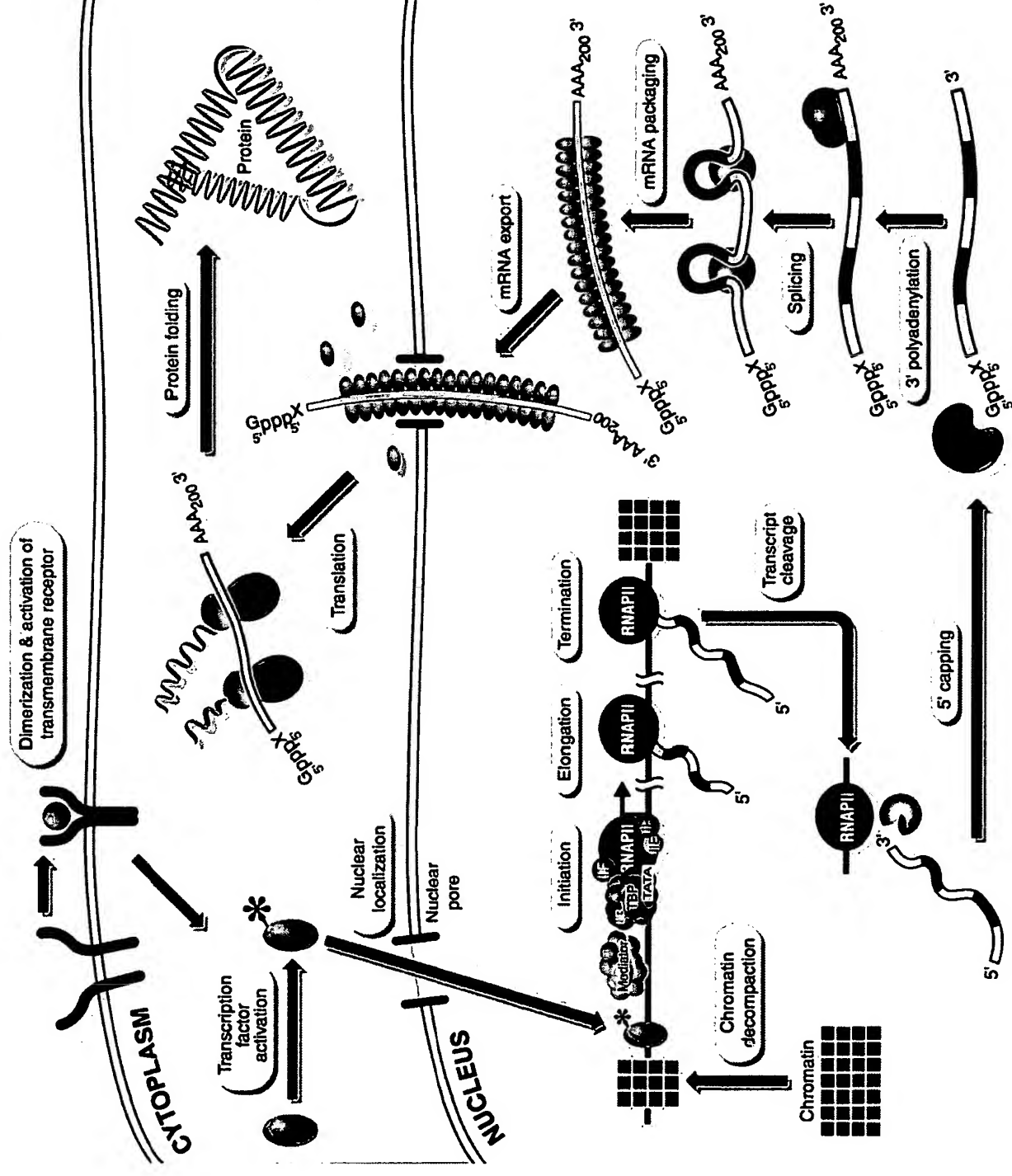


Core RNA polymerase (Darst lab)

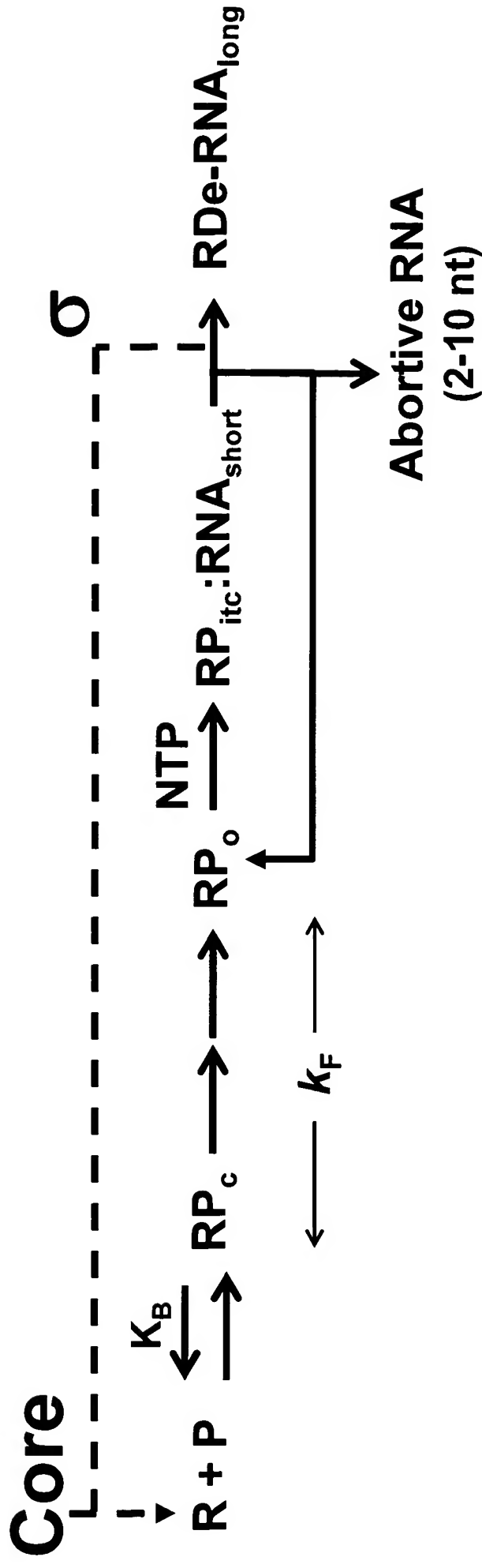
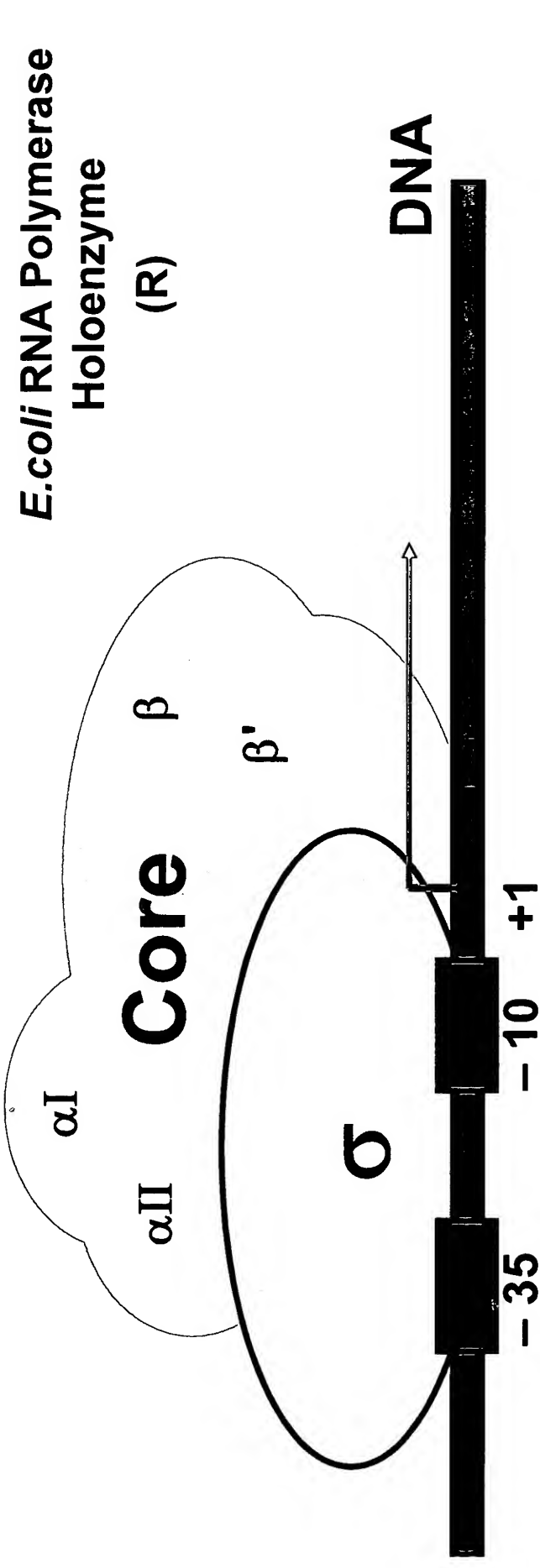
Single-Molecule Biophysics Conference: Aspen, Jan.7, 2003

GENE EXPRESSION:

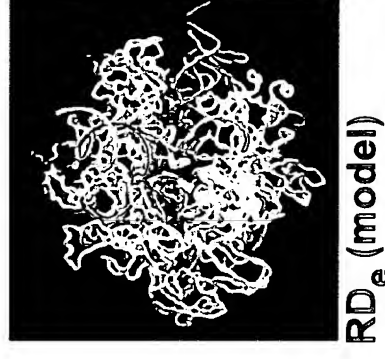
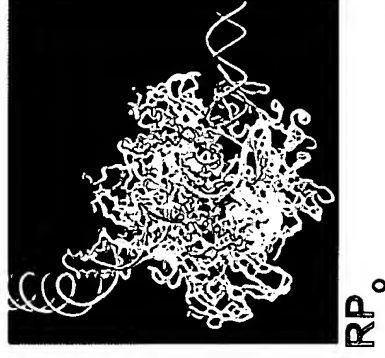
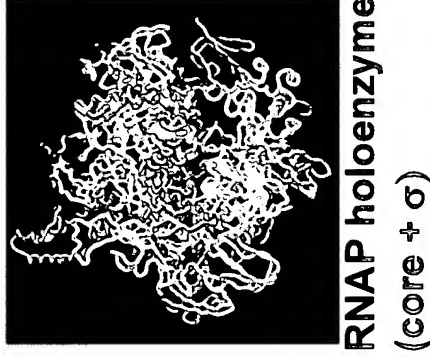
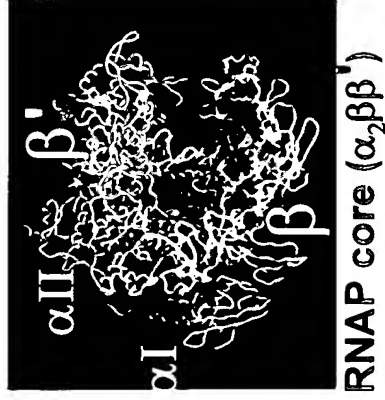
The path from gene to protein



TRANSCRIPTION INITIATION

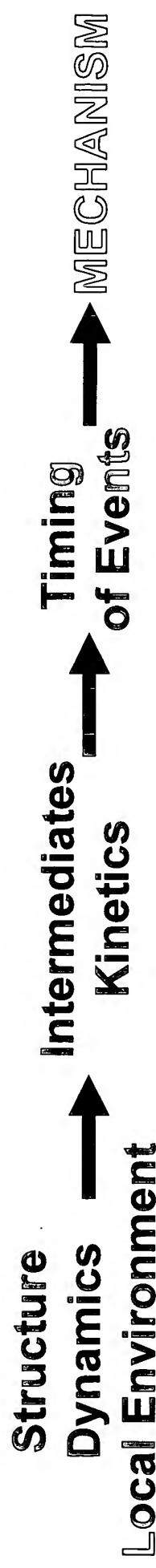


STRUCTURAL ASPECTS OF TRANSCRIPTION



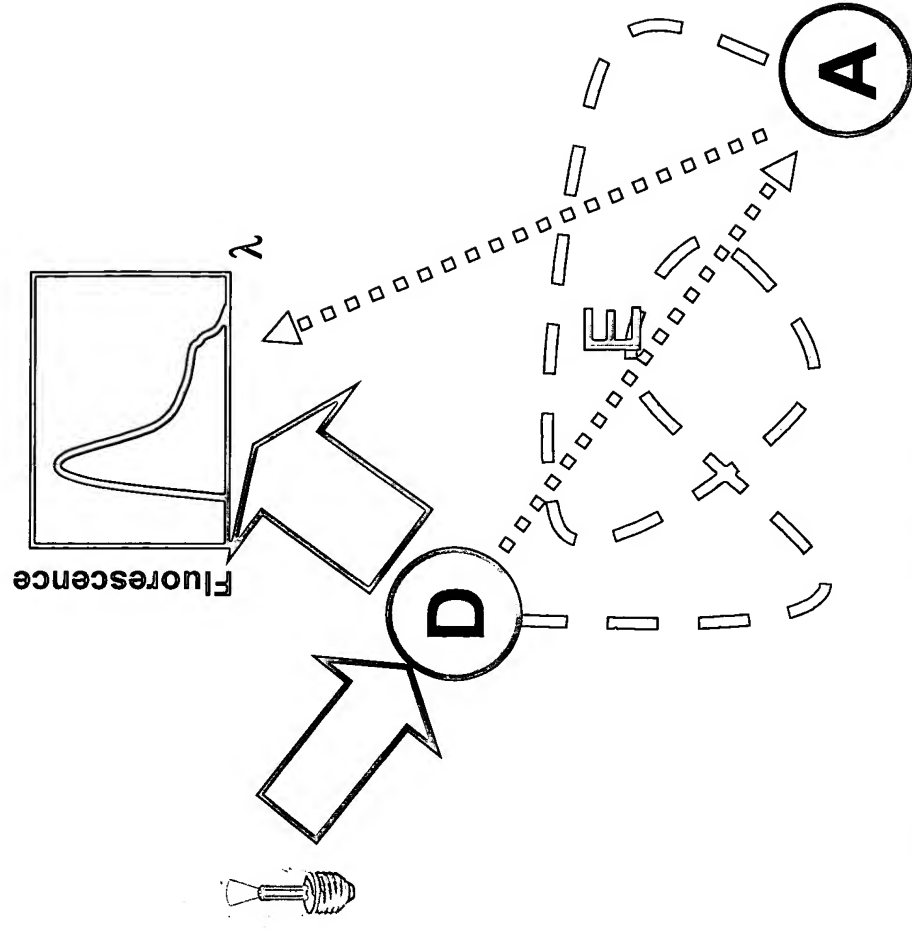
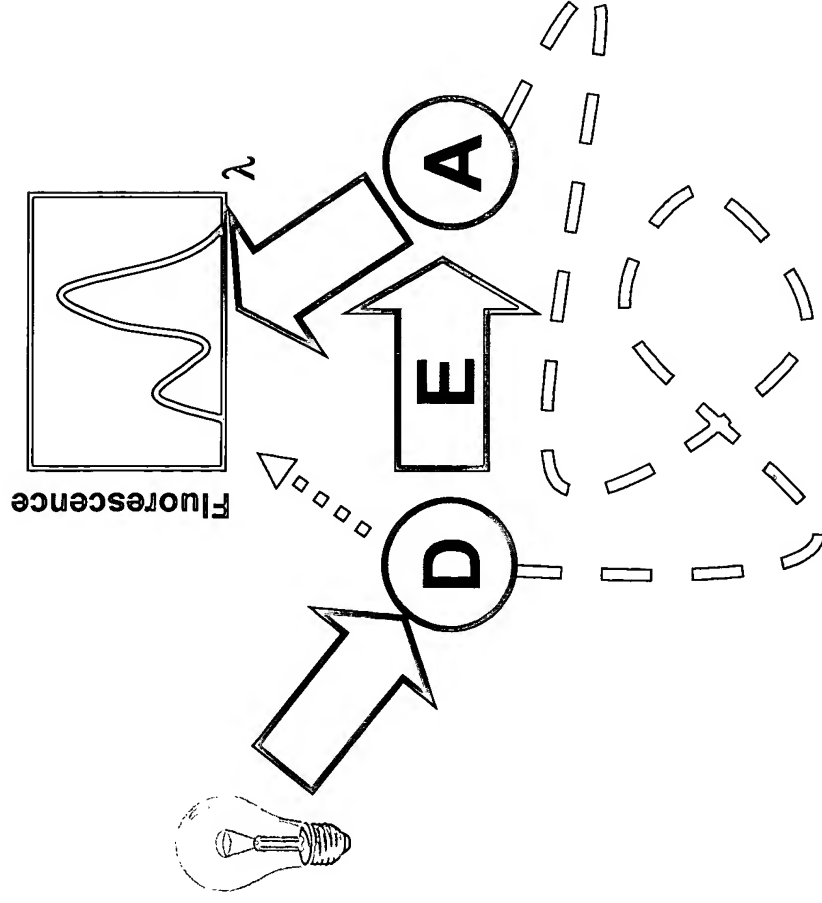
X-ray structures → static snapshots of the machine

SMD: "movie" of the dynamic process



FÖRSTER RESONANCE ENERGY TRANSFER (FRET):

A "MOLECULAR RULER" FOR THE 2-10 nm REGIME



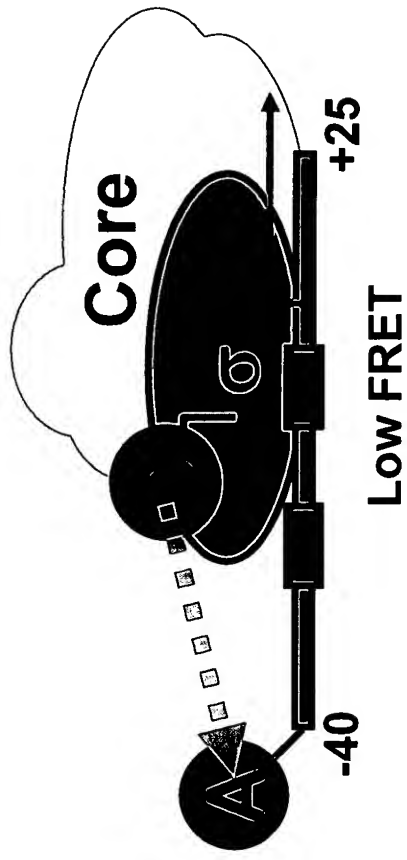
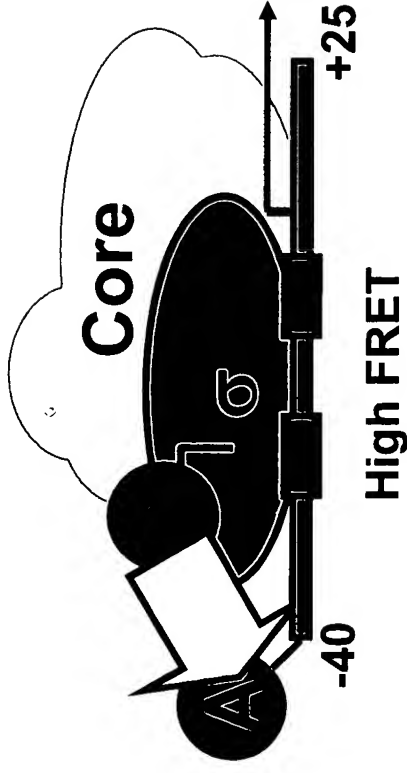
FRET Efficiency, $E = [1 + (R/R_0)^6]^{-1}$

R = D-A Distance

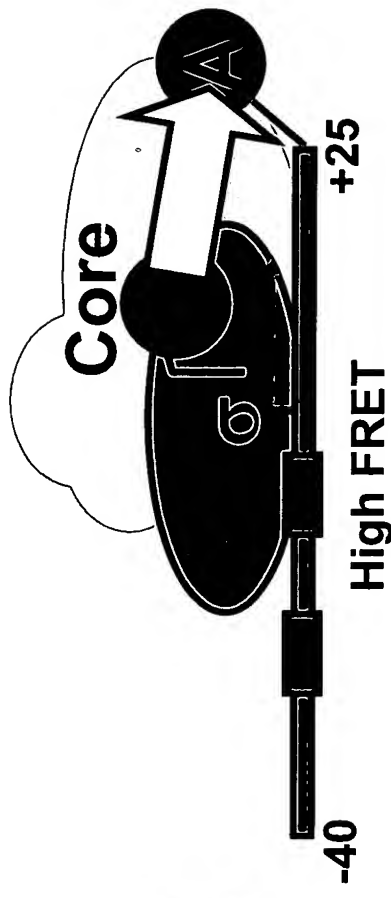
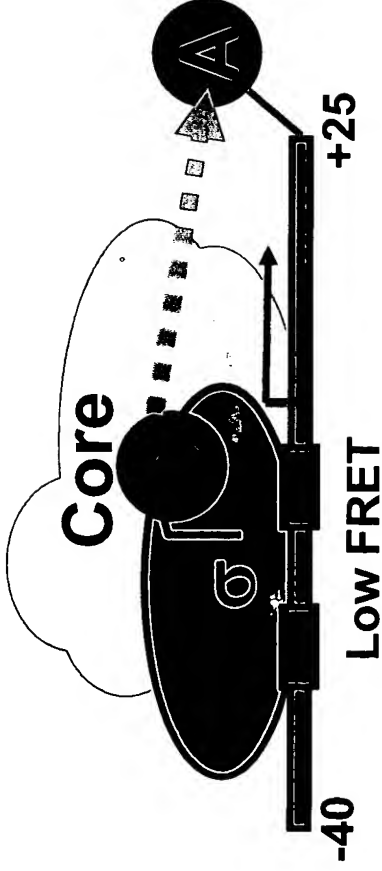
TRAILING-EDGE and LEADING-EDGE FRET:

Assay of translocation of a protein relative to a nucleic acid

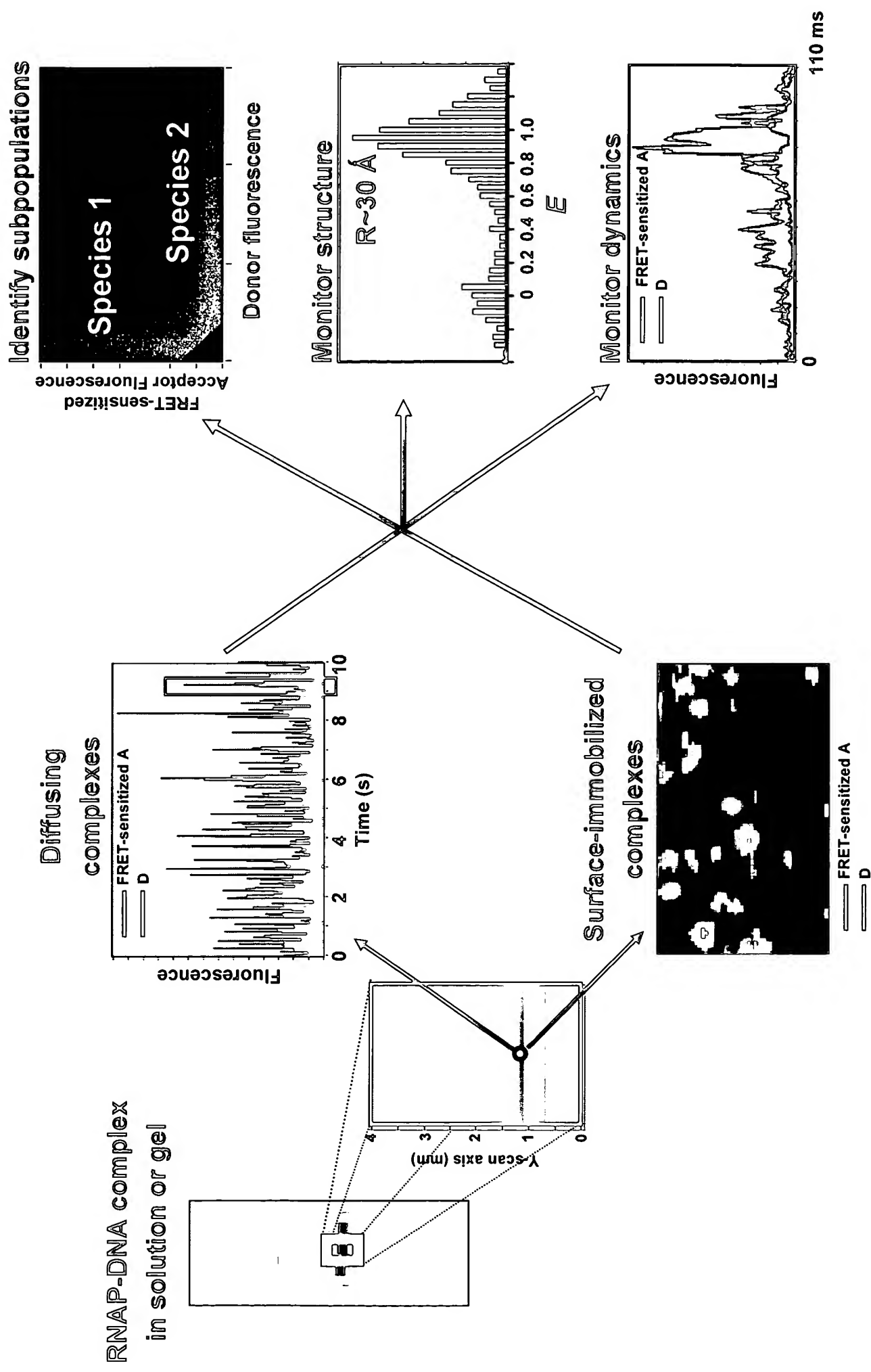
Trailing-edge FRET



Leading-edge FRET



SP-FRET ON RNAP-DNA COMPLEXES

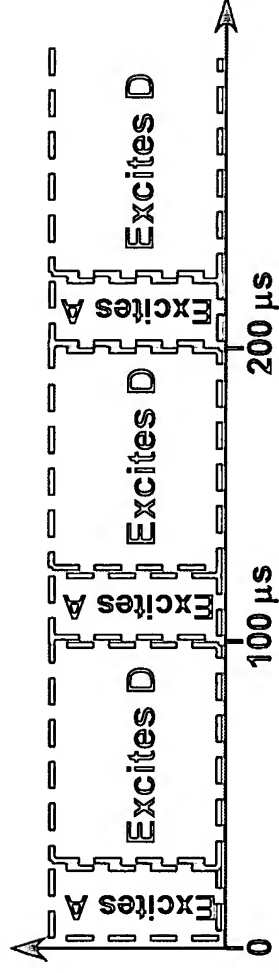


LIMITATIONS OF SINGLE-LASER EXCITATION spFRET

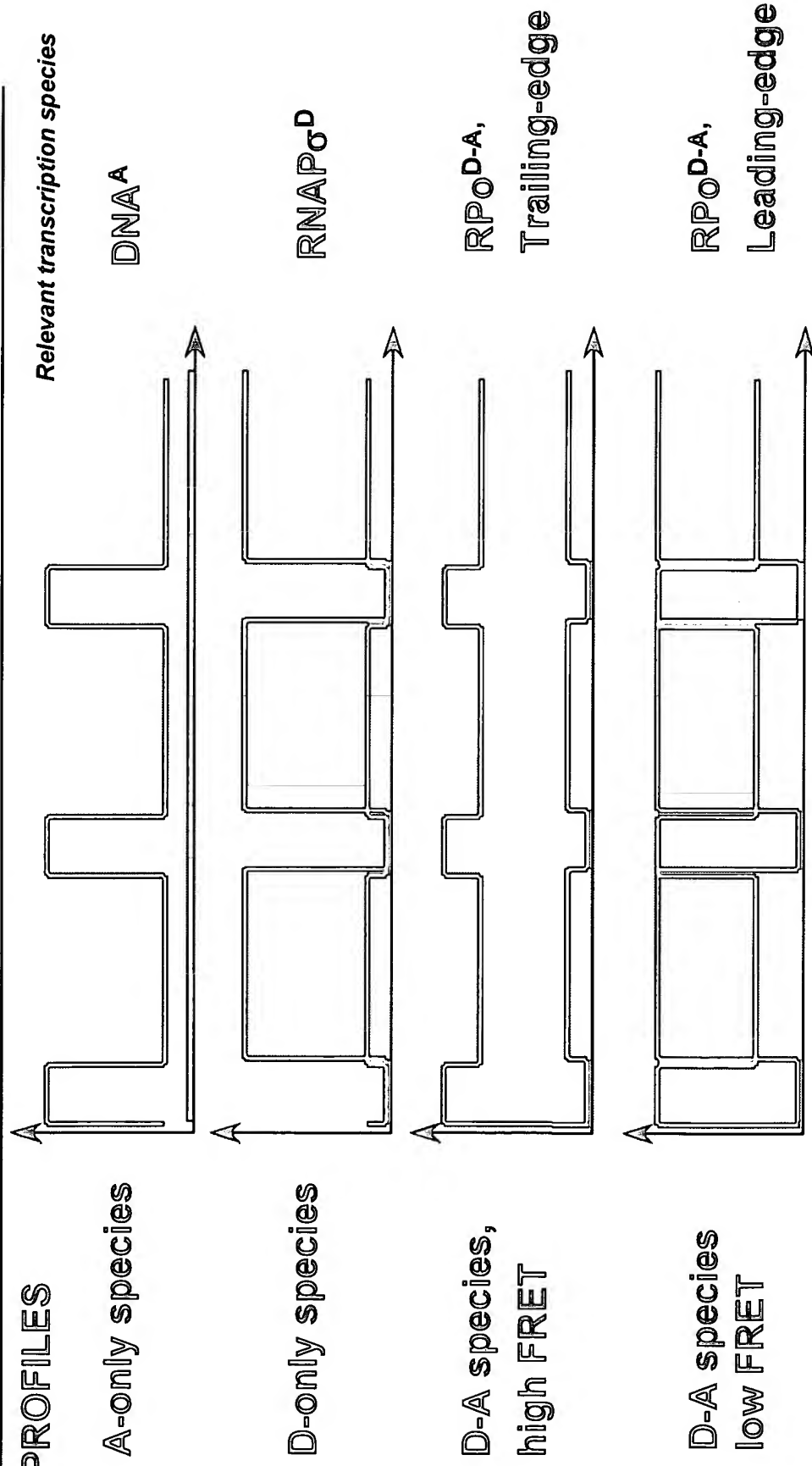
- Complex FRET Acceptor photophysics
 - "Dark" states → D-only peak
 - Photobleaching → D-only peak
 - Intermittency ("Blinking")
- Complex FRET Donor photophysics
 - Intermittency
 - Transient QY changes
- Limited discrimination ability in the FRET coordinate
 - FRET range of 0-0.3 not easily accessible
- Variable fluorescence contamination
 - Adds variable counts to D-only peak

sp-FRET USING ALTERNATE LASER EXCITATION (ALEX)

EXCITATION PROFILE



EMISSION PROFILES



EQUATIONS

Energy transfer ratio (E)

$$E = \frac{F_{670\text{em}, 514\text{ex}}^{\text{DA}}}{F_{670\text{em}, 514\text{ex}}^{\text{DA}} + F_{580\text{em}, 514\text{ex}}^{\text{DA}}}$$

ALEX-based ratio ($ALEX$)

$$ALEX = \frac{F_{514\text{ex}}}{F_{514\text{ex}} + F_{638\text{ex}}} = \frac{F_{670\text{em}, 514\text{ex}} + F_{580\text{em}, 514\text{ex}}}{F_{670\text{em}, 514\text{ex}} + F_{580\text{em}, 633\text{ex}}}$$



$$ALEX = \frac{0 + 100}{0 + 100 + 0} \sim 1.0$$

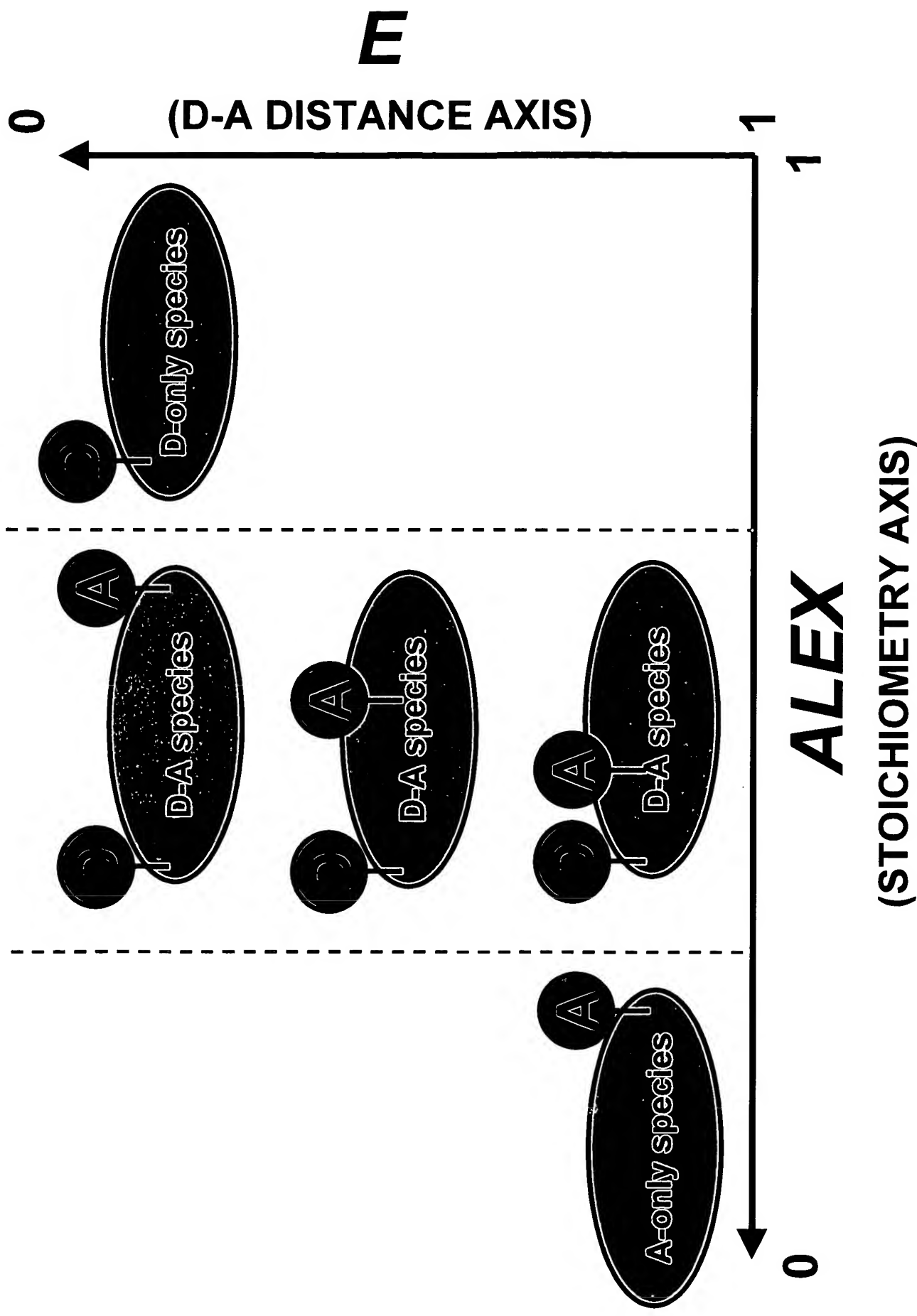


$$ALEX = \frac{50 + 50}{50 + 50 + 100} \sim 0.5$$

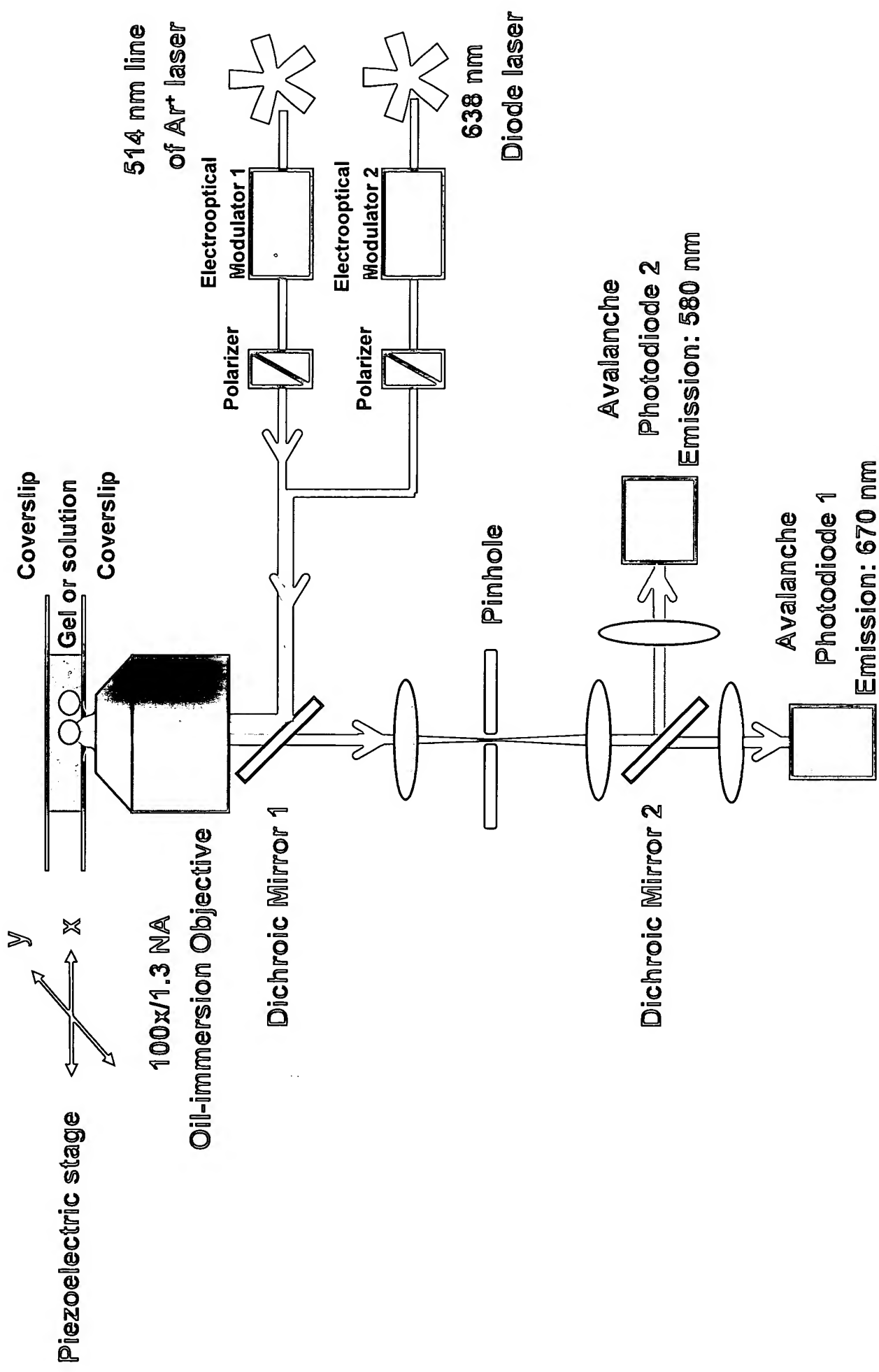


$$ALEX = \frac{0 + 0}{0 + 0 + 100} \sim 0.0$$

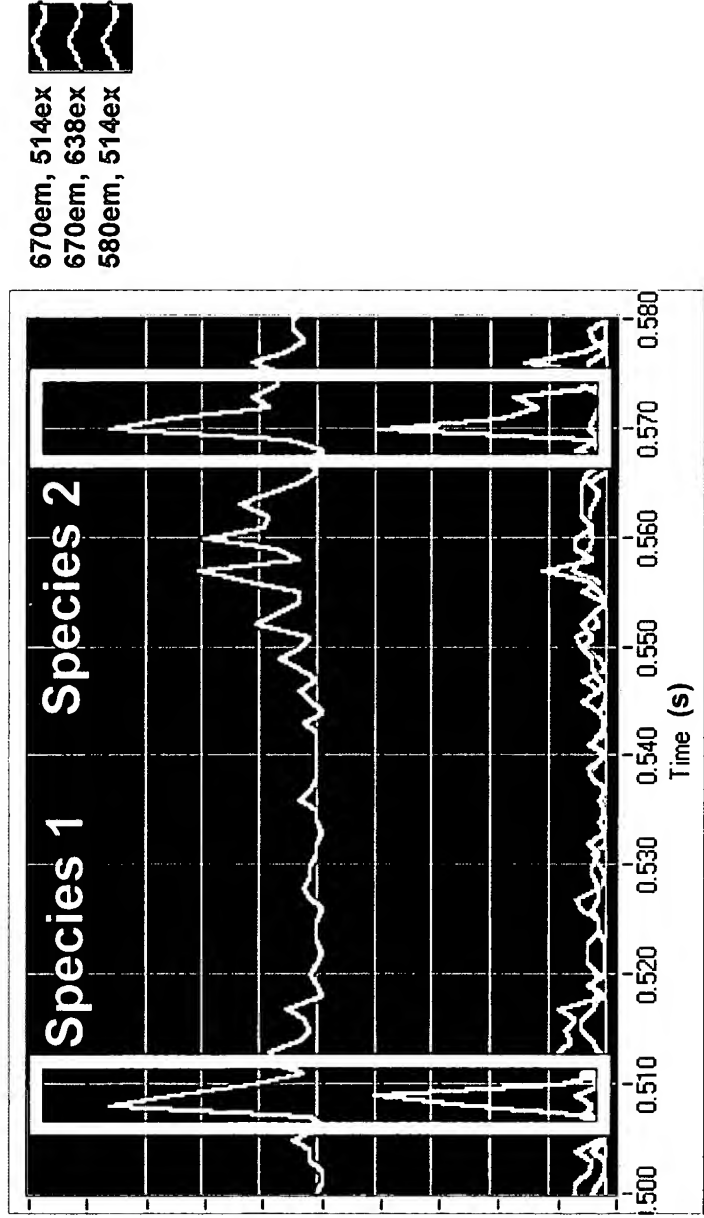
SORTING SPECIES USING E , ALEX



ALEX SINGLE-MOLECULE CONFOCAL MICROSCOPY



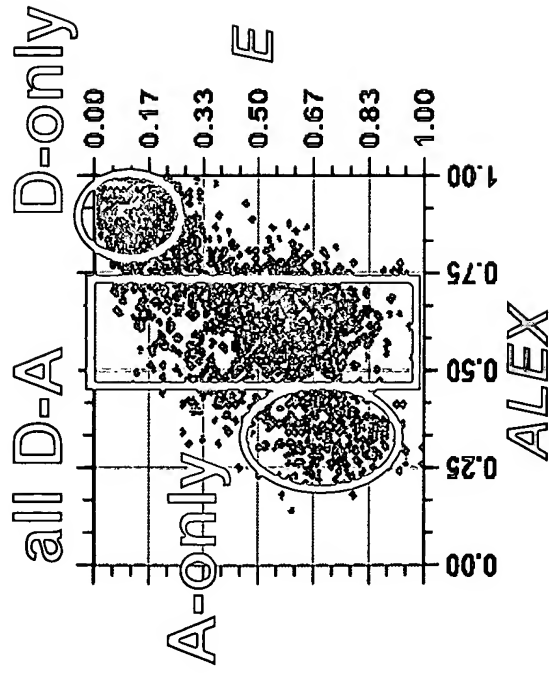
DATA ANALYSIS FOR INDIVIDUAL SPECIES



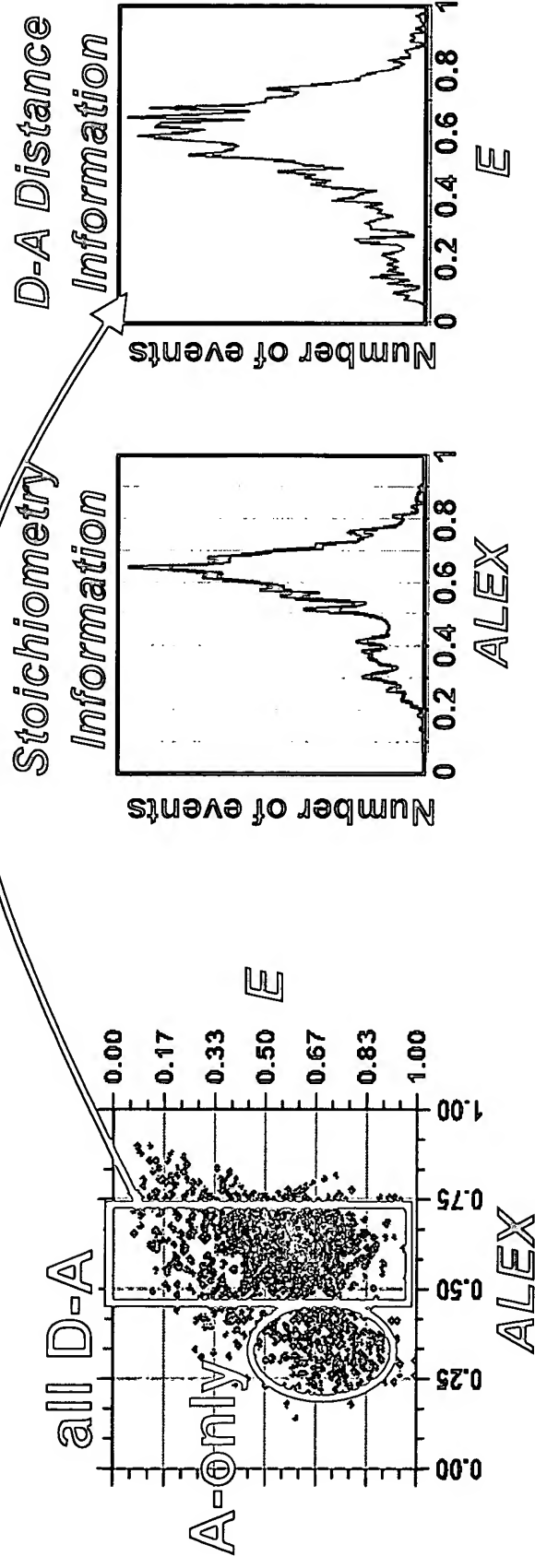
Species 1 Species 2

670em, 514ex	71	85
670em, 638ex	69	93
580em, 514ex	7	11
FRET-sensitized A	52	60
E, simplified	91%	88%
E, FRET-sensitized A	91%	77%
ALEX	0.49	0.66

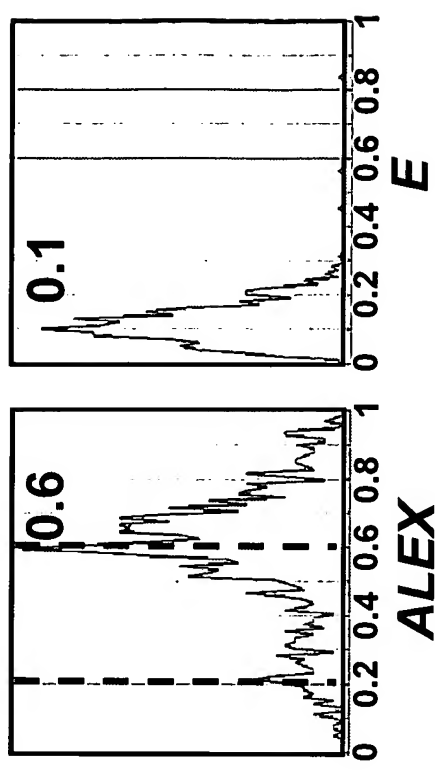
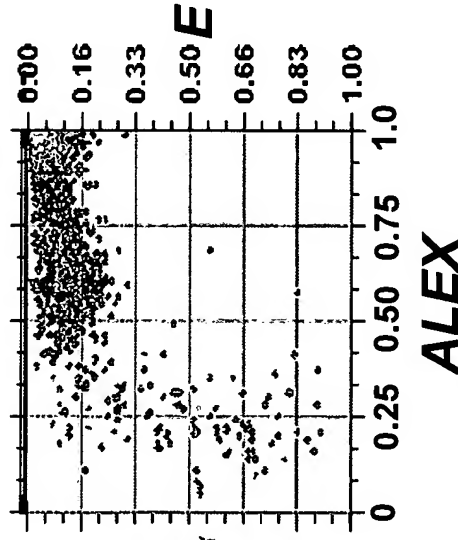
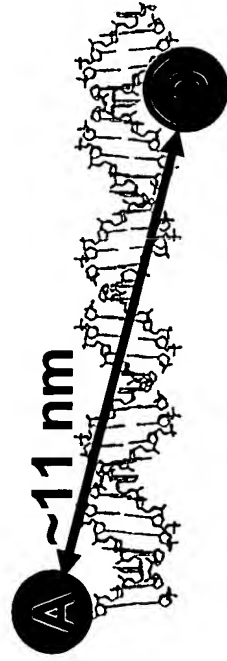
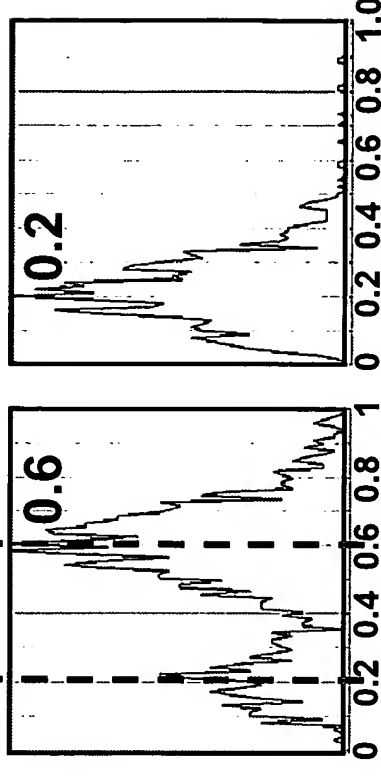
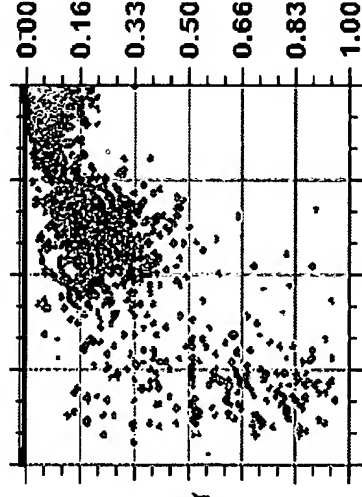
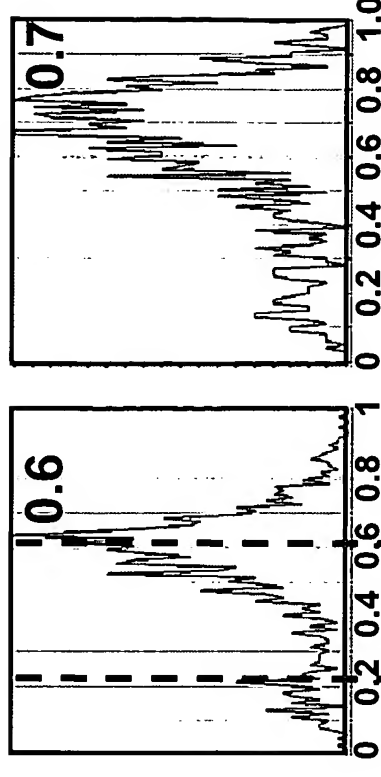
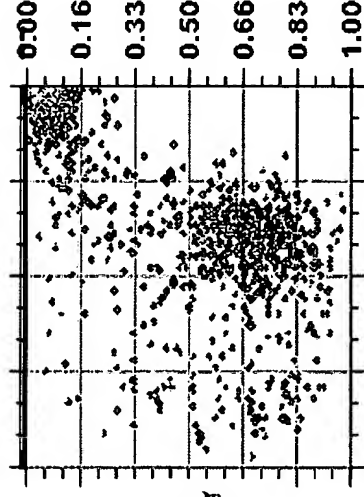
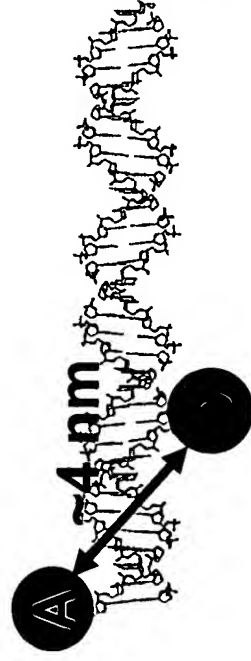
DATA ANALYSIS USING E-ALEX 2-D HISTOGRAMS



$\downarrow F_{670em,638ex} > 15 \text{ KHz}$

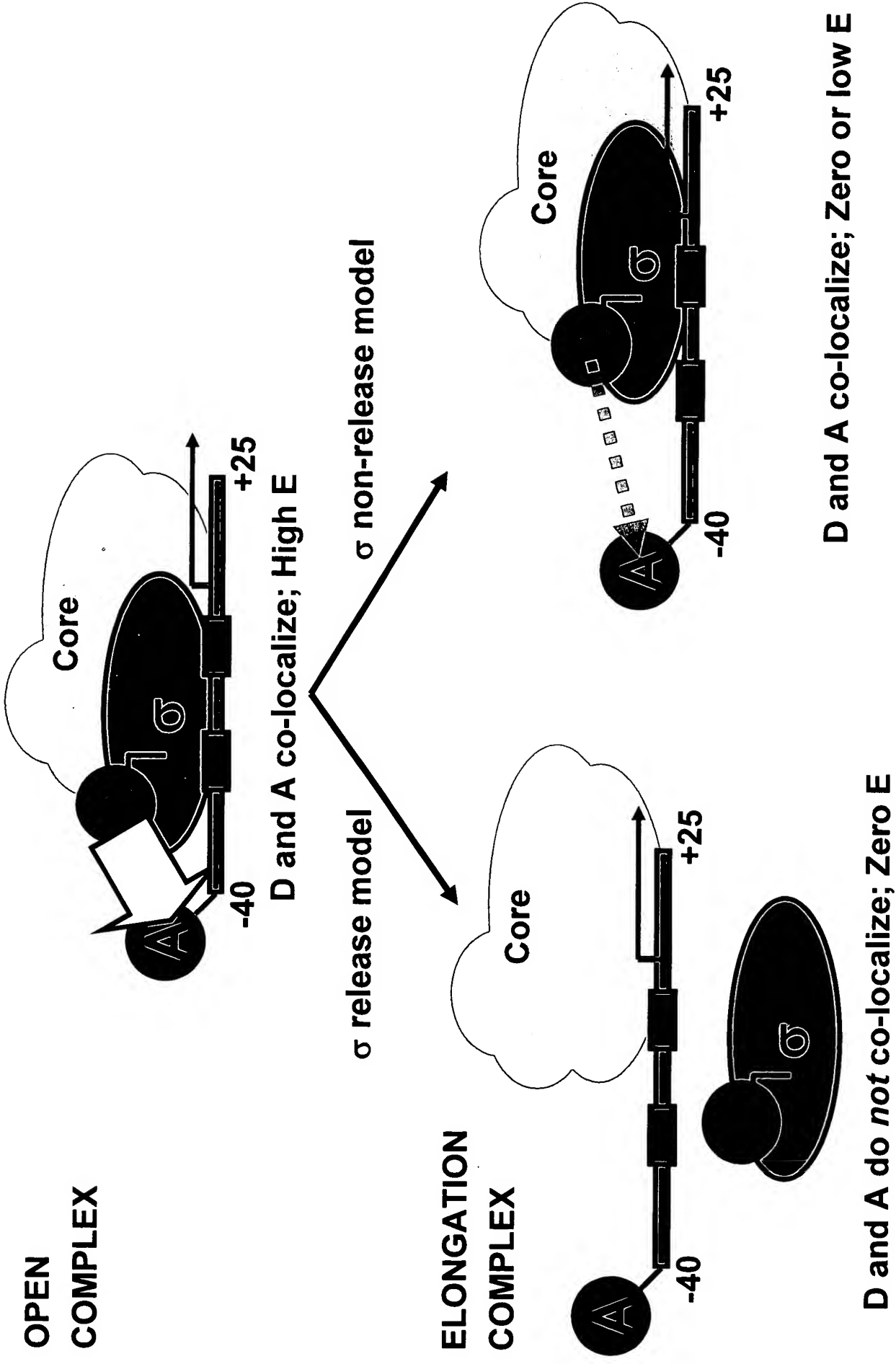


MODEL SYSTEMS: dsDNA



$$R_{O,D-A} \sim 5.5 \text{ nm}$$

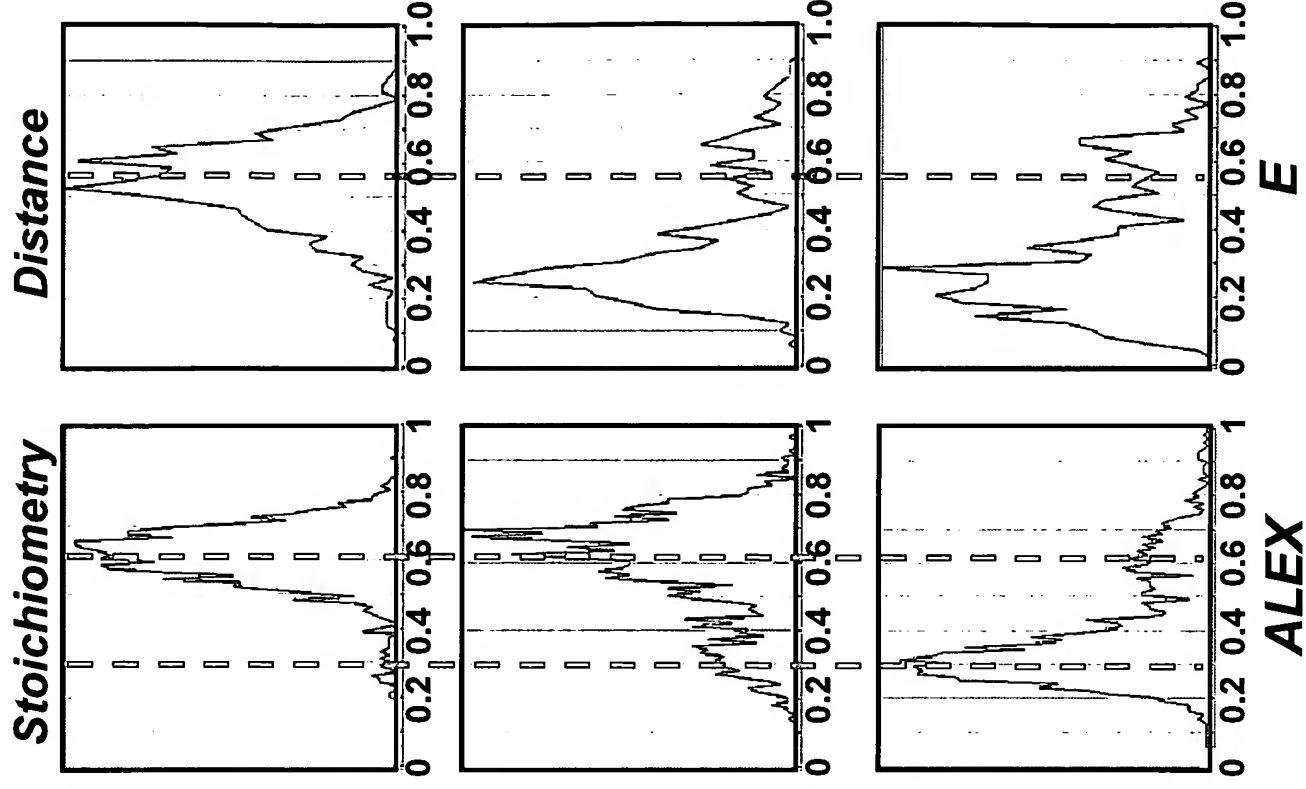
USING TRAILING-EDGE sp-FRET TO ANALYZE SIGMA RELEASE UPON PROMOTER ESCAPE



TRAILING-EDGE spFRET

RNAP $\sigma^{\text{TMR,569}}$ \rightarrow lacUV5-11Cy5,-40

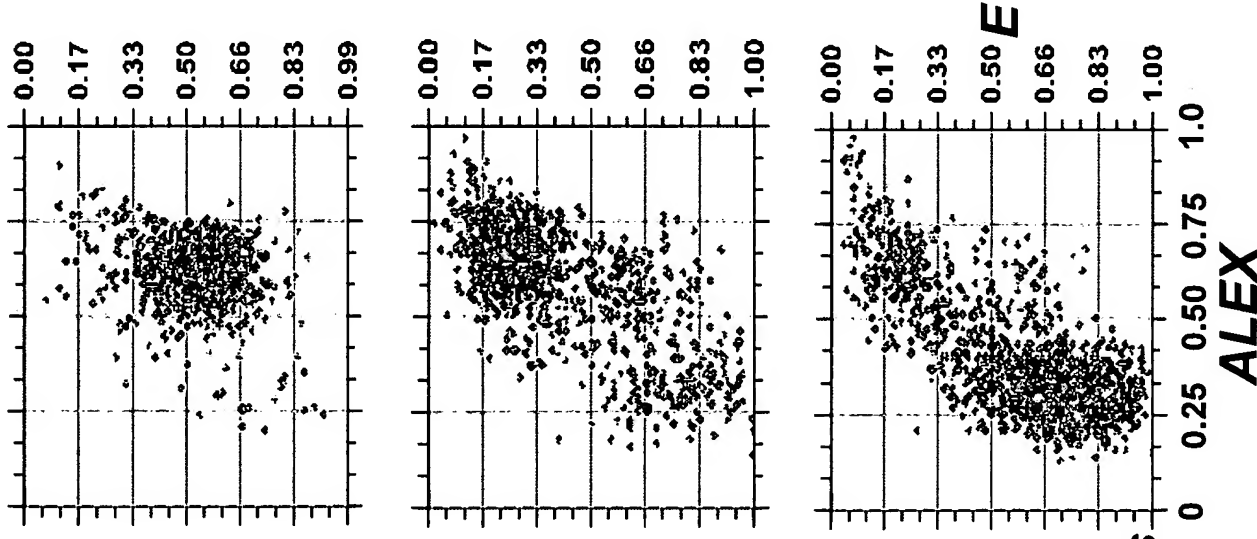
RPO + ApA
(RP_{itc,2})
(equivalent to RPO)



RPO + ApA
+ 12.5 μM UTP/GTP/ATP
(RD_{e,11})

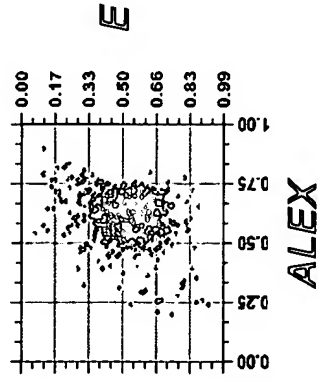
RPO + ApA
+ 60 μM NTPs
(chase)

ABILITY OF STALLED COMPLEXES
TO RESUME TRANSCRIPTION

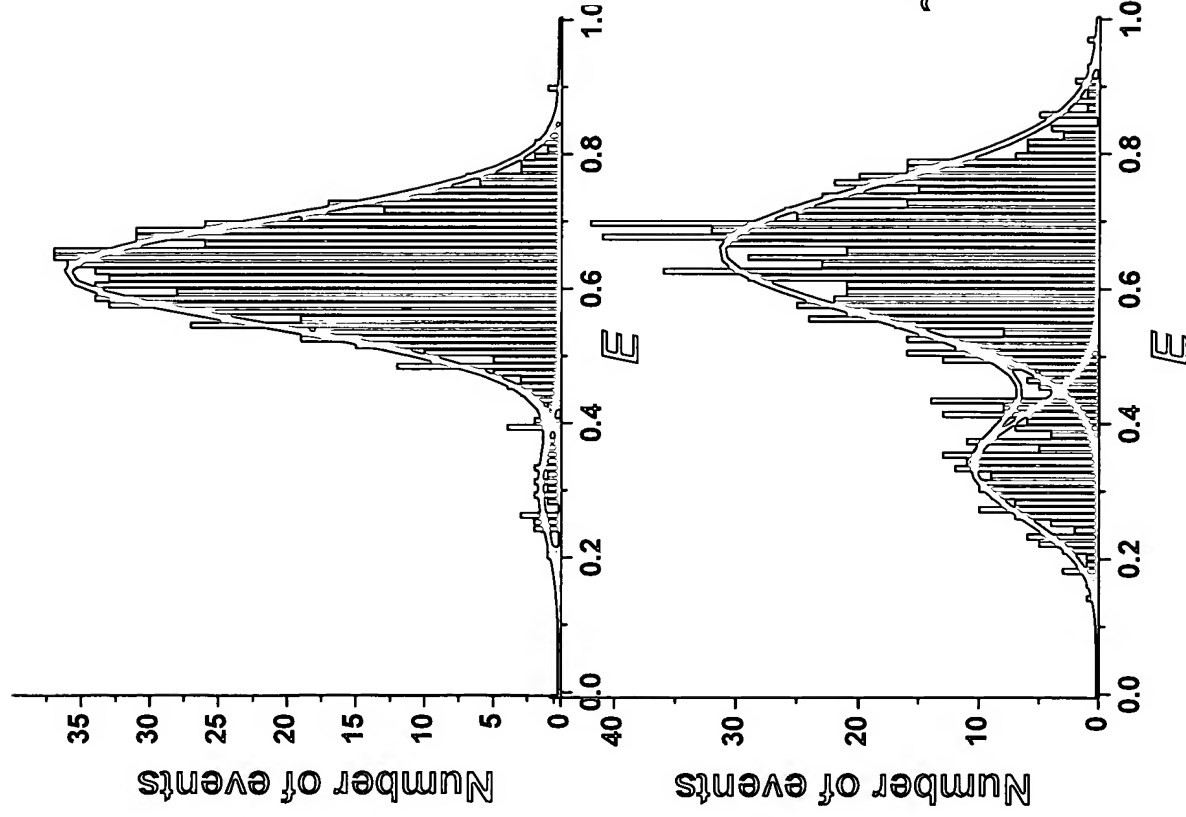
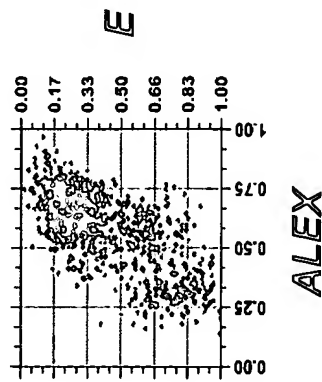


DIRECT OBSERVATION OF SIGMA NON-RELEASE: TRAILING-EDGE spFRET

RP_{itc,2}



RD_{e,11}



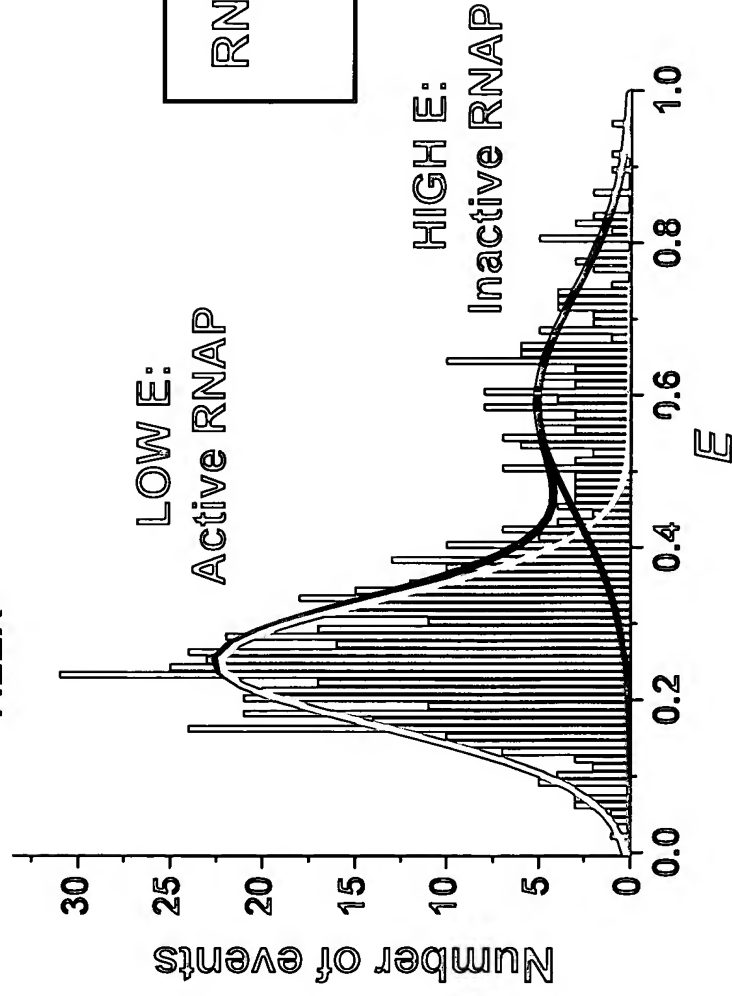
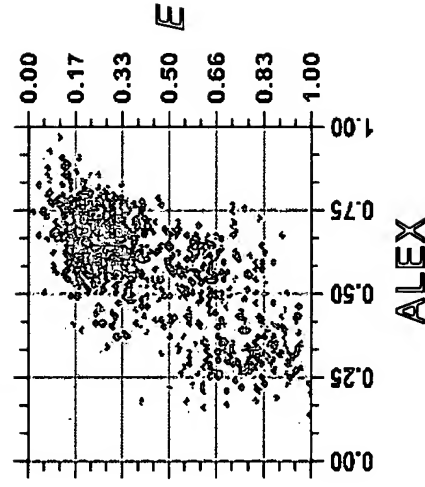
~5% dissociation

~20% dissociation

$$\% \text{ Dissociation} = \frac{(\text{A-only})}{(\text{A-only}) + (\text{all D-A})}$$

E HISTOGRAM MONITORS ABILITY OF RNAP TO TRANSLOCATE UPON ESCAPE: TRAILING-EDGE spFRET

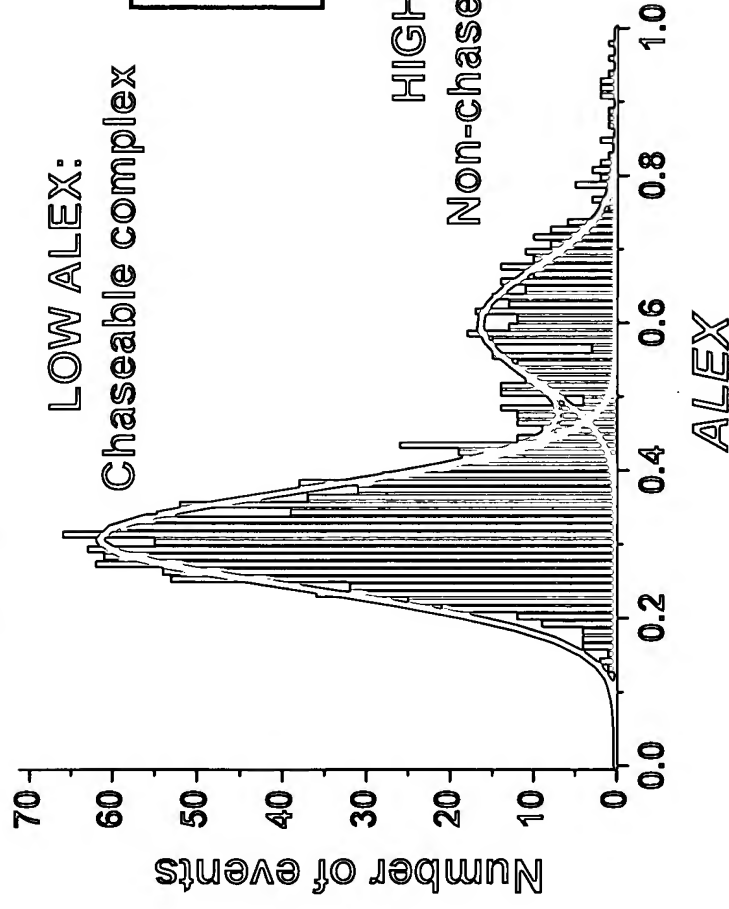
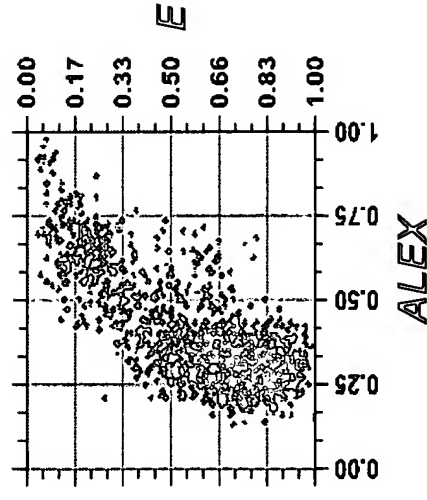
RPO + Apa + 12.5 μ M UTP/GTP/ATP ($RD_{e,11}$)



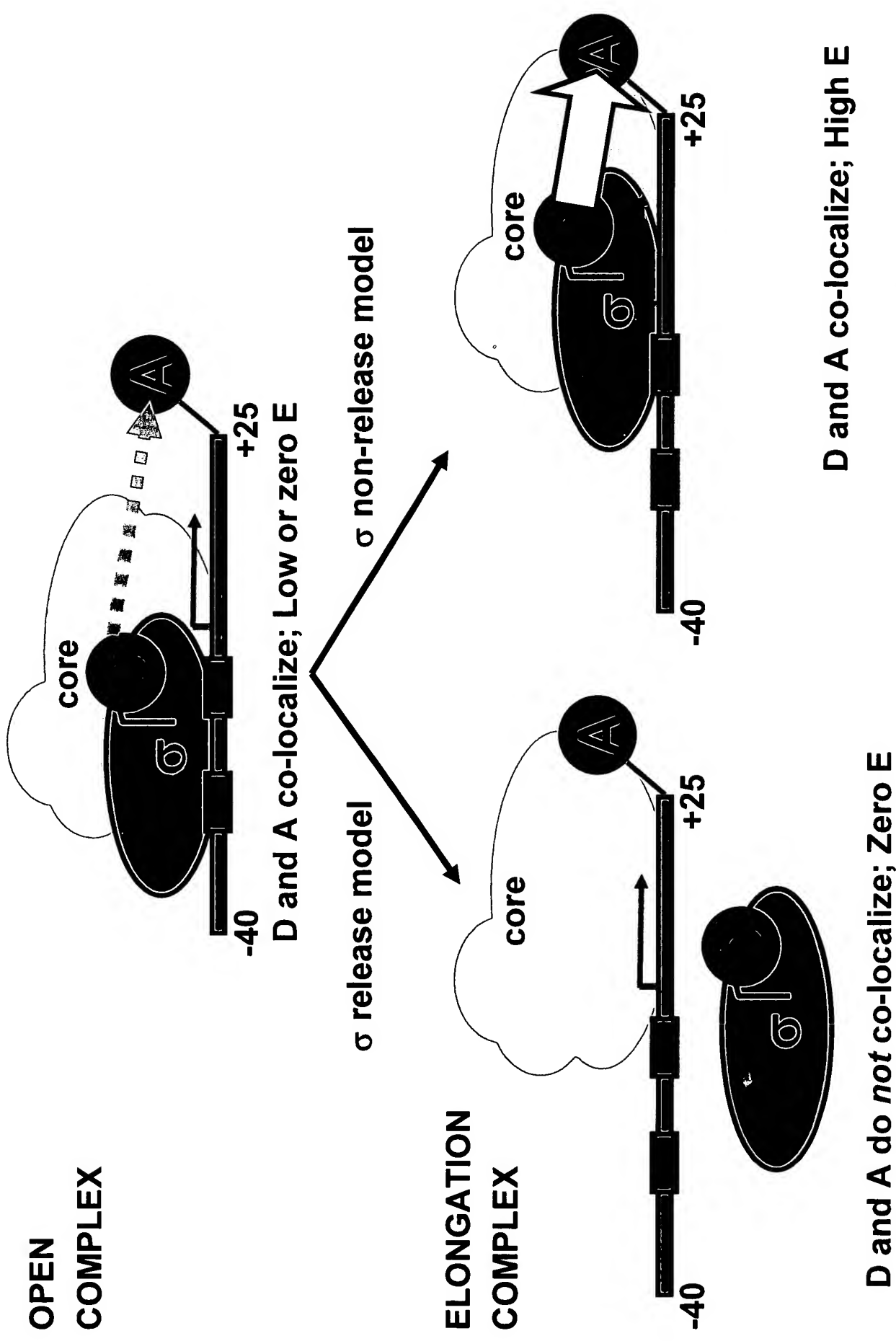
RNAP translocational
activity ~ 70%

DISSOCIATION HISTOGRAM MONITORS ABILITY OF RNAP TO BE “CHASED”: TRAILING-EDGE spFRET

RPO + ApA + 60 μ M NTPs (chase)



USING LEADING-EDGE spFRET TO ANALYZE SIGMA RELEASE UPON PROMOTER ESCAPE



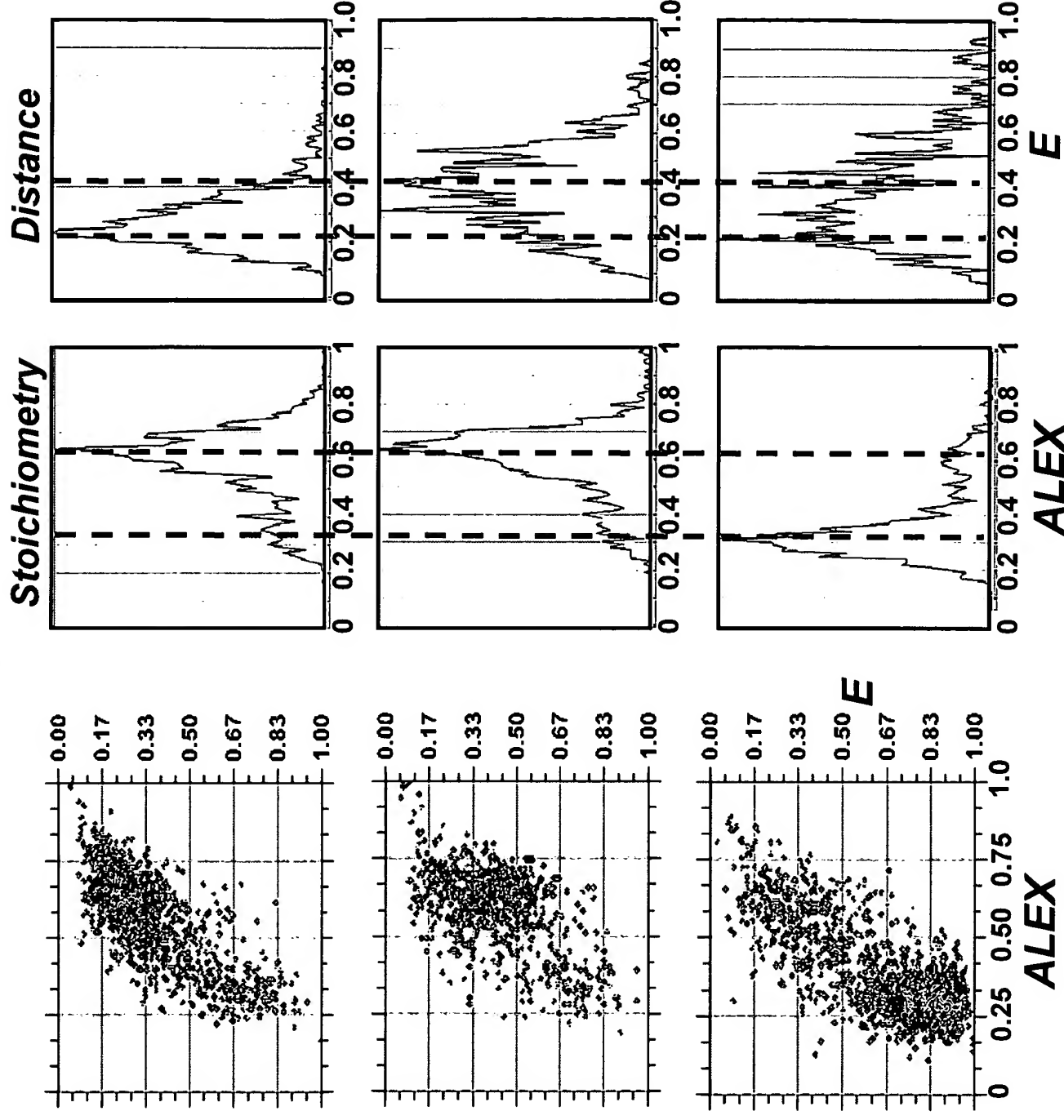
LEADING-EDGE spFRET

RNAP σ ^{TMR,366} → lacUV5-11Cy5,+25

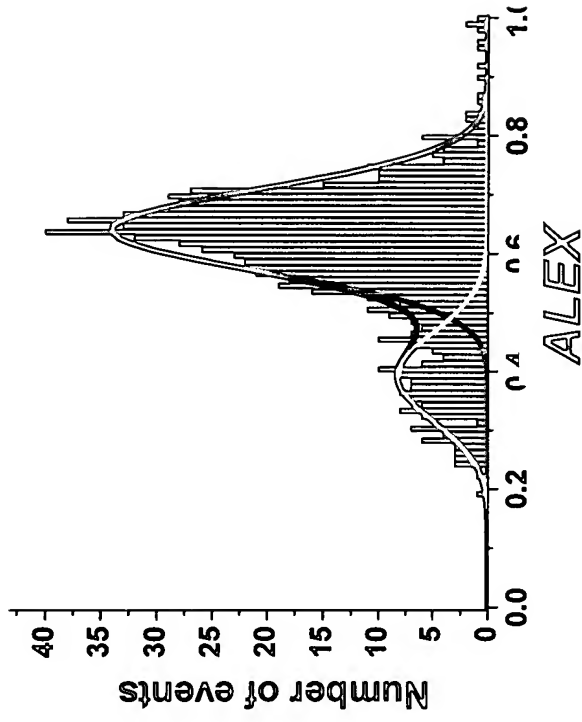
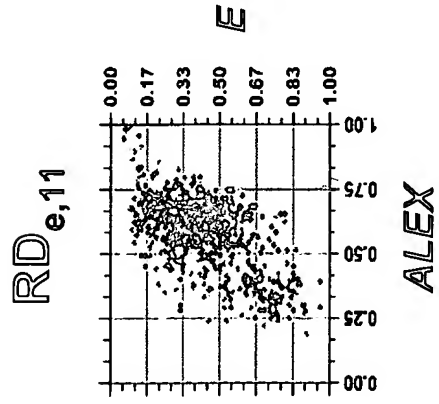
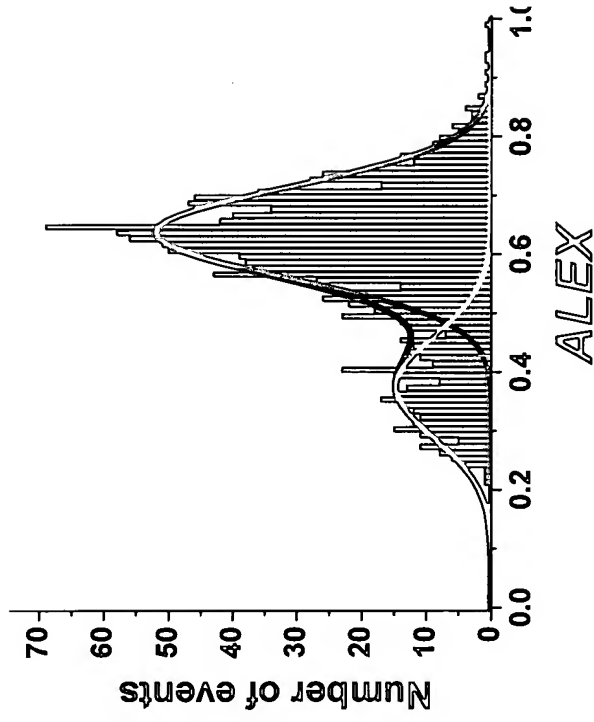
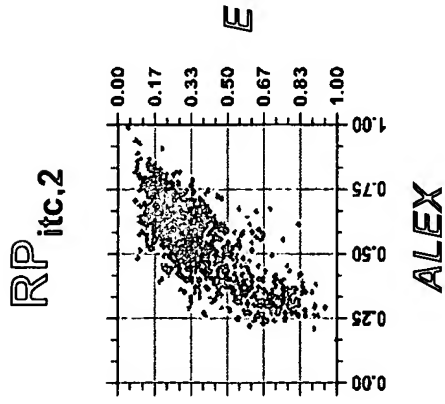
RPO + ApA
(RP_{itc,2})
(equivalent to RPO)

RPO + ApA
+ 12.5 μ M UTP/GTP/ATP
(RD_{e,11})

RPO + ApA
+ 60 μ M NTPs
(chase)

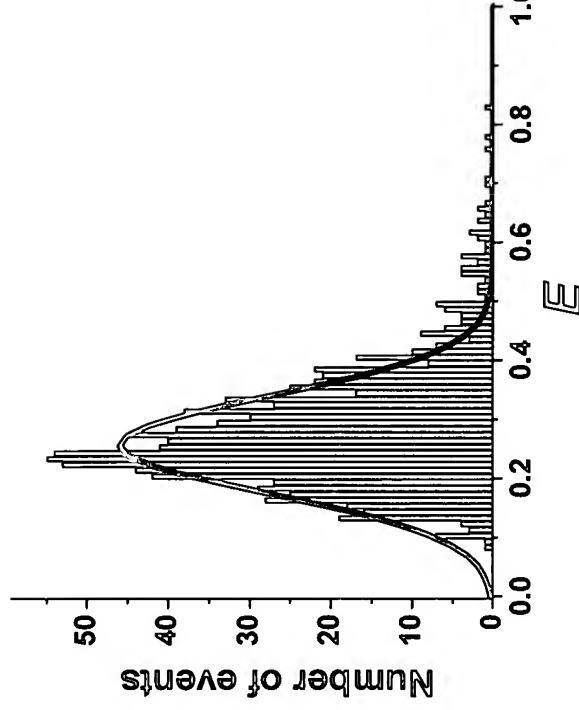
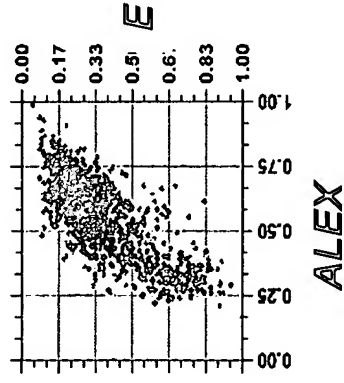


DIRECT OBSERVATION OF SIGMA NON-RELEASE: LEADING-EDGE SPFRET

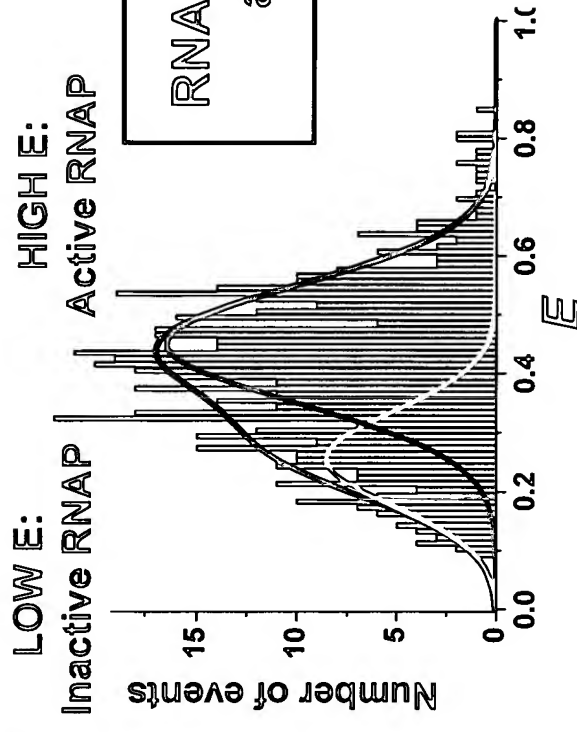
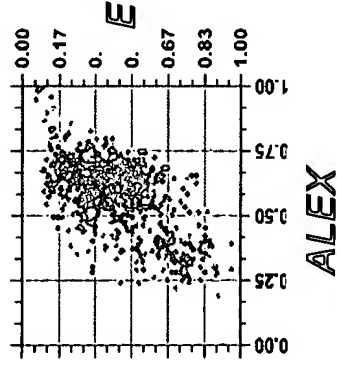


E HISTOGRAM MONITORS ABILITY OF RNAP TO TRANSLOCATE UPON ESCAPE: LEADING-EDGE sFRET

RPO + ApA (RP_{itc,2})



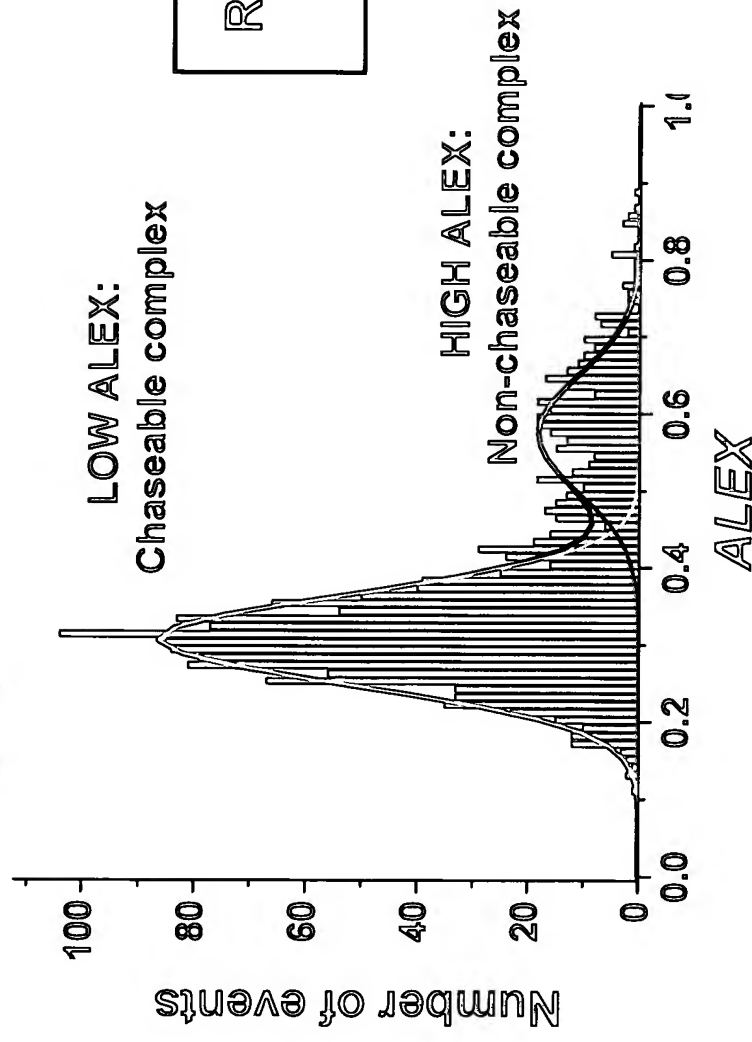
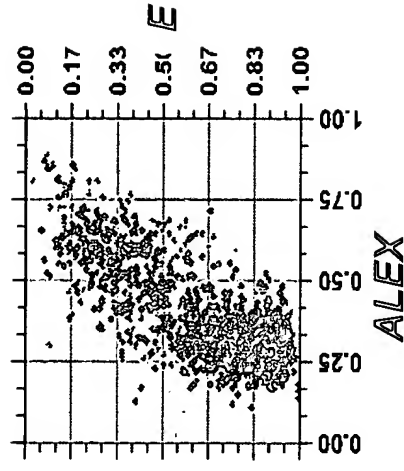
RPO + ApA + 12.5 μ M UTP/GTP/ATP
(RD_{e,11})



RNAP translocational
activity = 72%

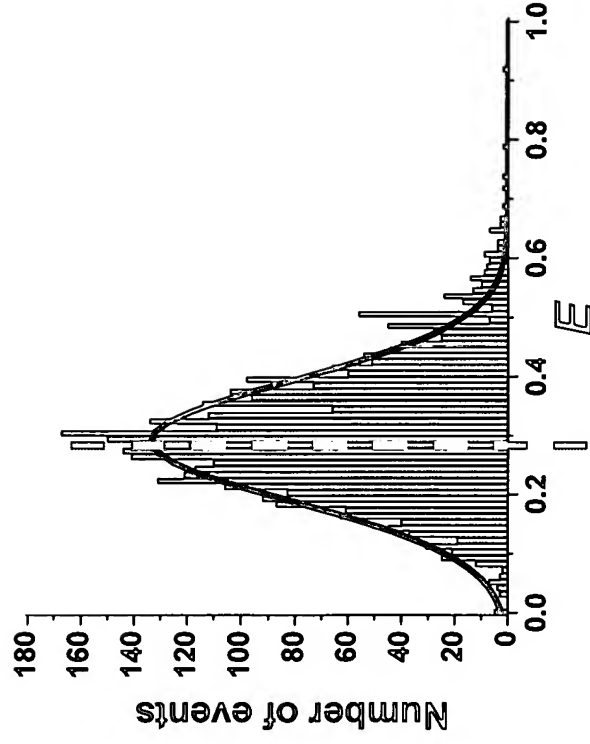
DISSOCIATION HISTOGRAM MONITORS ABILITY OF RNAP TO BE “CHASED”: LEADING-EDGE spFRET

RPO + ApA + 60 μ M NTPs (chase)

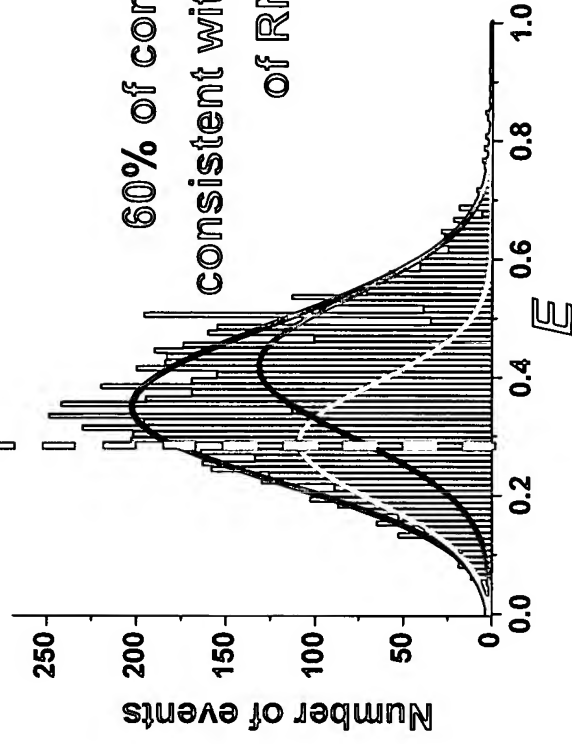


LEADING-EDGE spFRET DETECTS MOVEMENT OF LEADING EDGE DURING ABORTIVE INITIATION

RPO + ApA
(RP_{itc,2})



RPO + ApA
+ 25 μ M UTP/GTP
(RD_{e,7})



60% of complexes show higher E ;
consistent with downstream movement
of RNAP leading edge

TRAILING-EDGE spFRET ON SURFACE-IMMOBILIZED RP₀ COMPLEXES

Excitation: 514 nm line of Ar⁺ laser



Emission

(580–620 nm)

4 μm



0

10 μm



Emission

(650–700 nm)

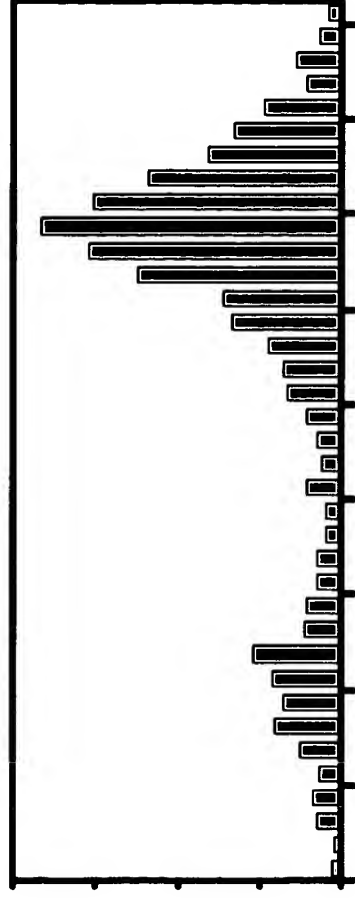


Overlay



$$E = \frac{I_A}{I_A + \gamma I_D}$$

Number of events

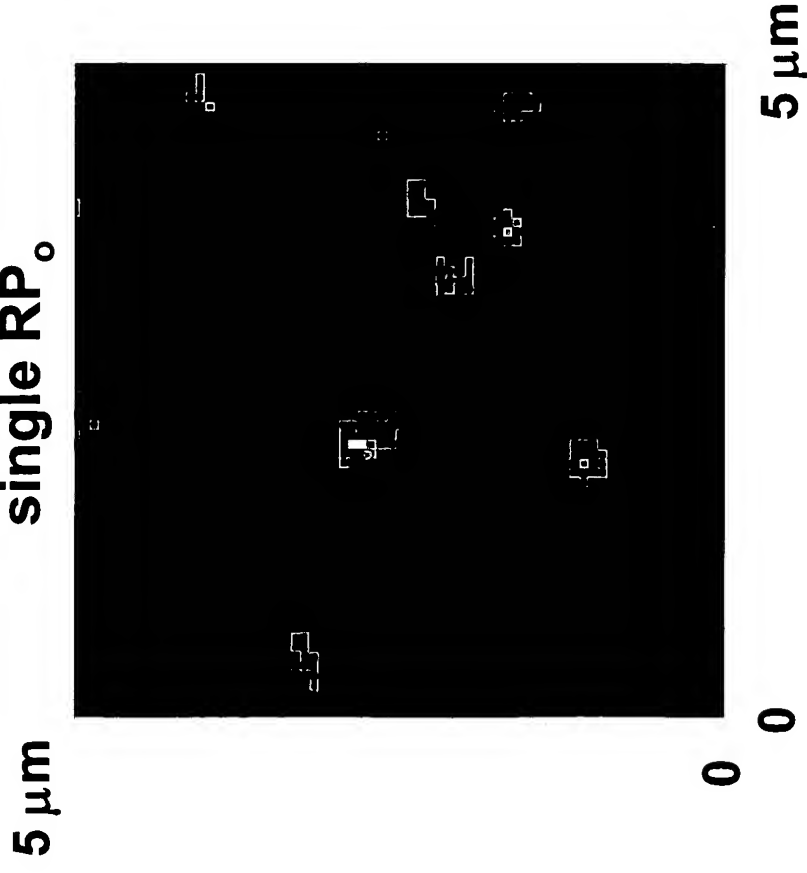


-0.4 -0.2 0 0.2 0.4 0.6 0.8 1 1.2 1.4

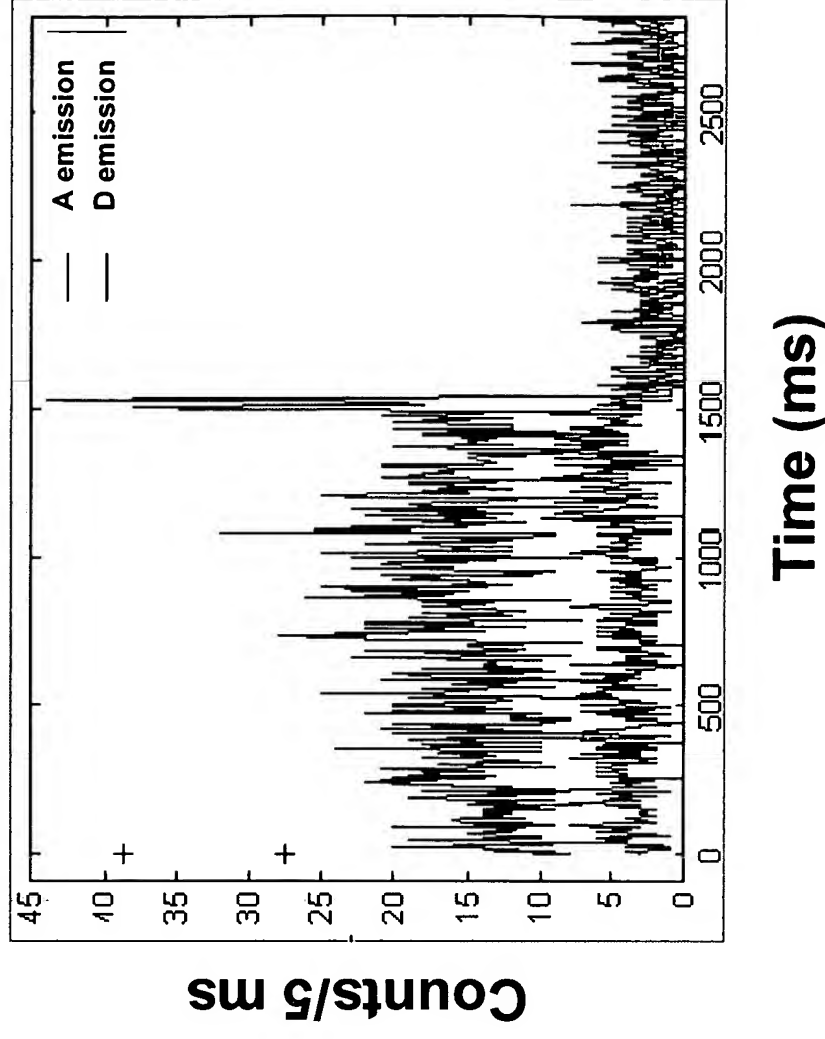
E

IMAGING AND TIME-TRAJECTORIES OF SINGLE RP₀ COMPLEXES

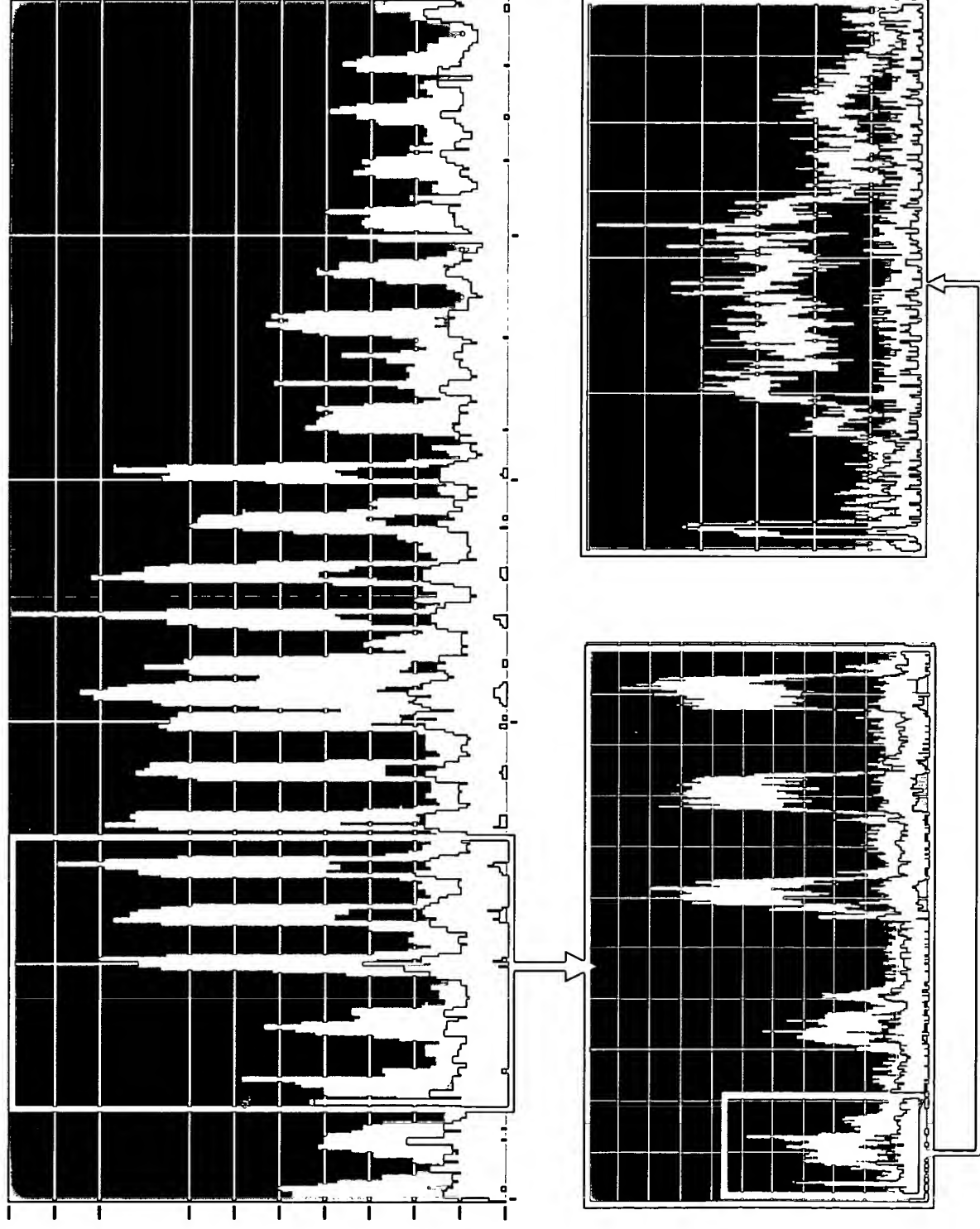
Single-step
photobleaching:
evidence for imaging
single RP₀.



Time-trajectory for a single
RP₀ showing TE-FRET



MONITORING SINGLE-ENZYME DYNAMICS ON IMMOBILIZED MOLECULES



CONCLUSIONS

- Developed robust assays for analysis of structure, dynamics, and activity of protein-DNA complexes
- Confirmed sigma presence in early elongation complexes
- Determined activity for translocation and for chase reactions
- Detected movement of leading edge during abortive initiation
- Future work:
 - Abortive initiation mechanism
 - Sigma dynamics at various transcription steps

ACKNOWLEDGEMENTS

Shimon Weiss (UCLA)

Sören Doose

Thilo Lacoste

Ted Laurence

Nam Ki Lee

Emmanuel Margeat

Xavier Michalet

Collaborators:

Richard Ebright (Rutgers U.)

Ekaterine Kortkhonja

Vladimir Mekler

Jayanta Mukhopadhyay

Andrey Revyakin

Philip Tinnefeld (U.Heidelberg)

and all SMBs!

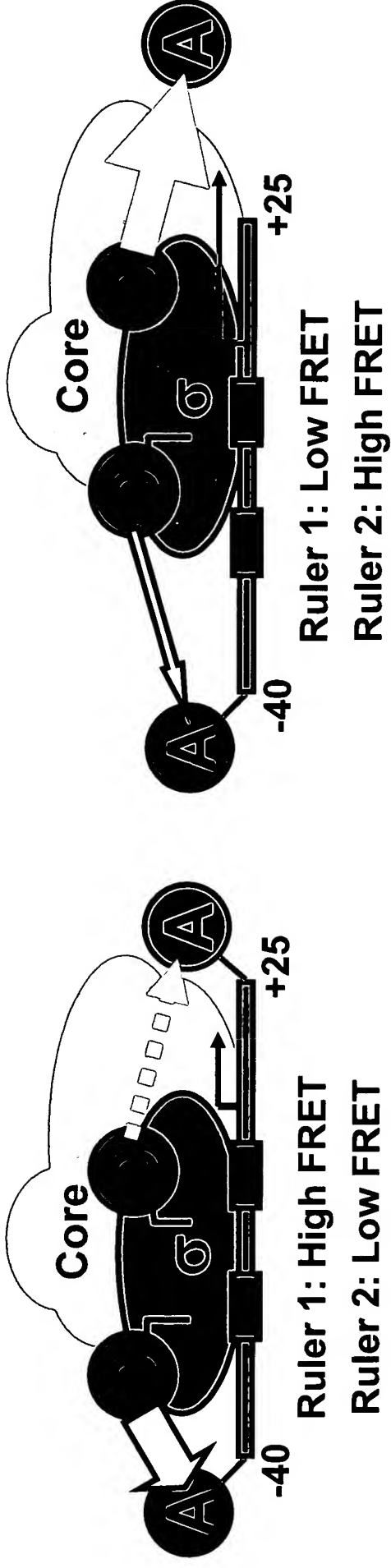


Funding: DOE, NIH

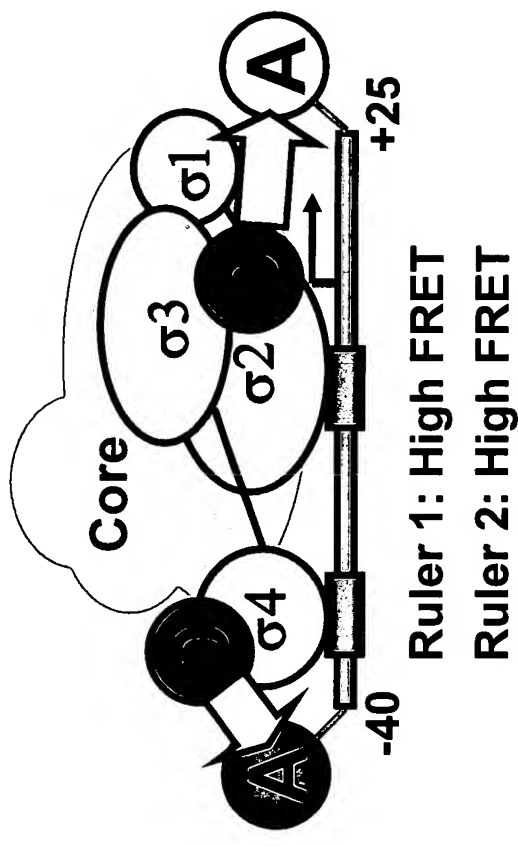
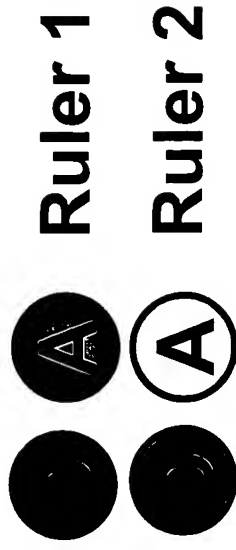
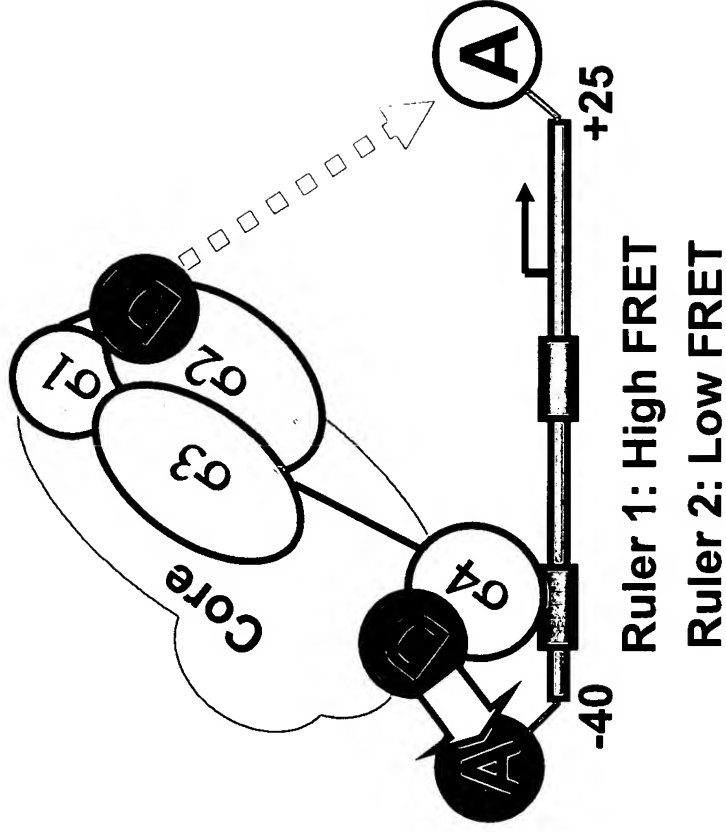
TRAILING-EDGE and LEADING-EDGE FRET:

Assay of translocation of a protein relative to a nucleic acid

Trailing-edge/leading-edge FRET (TELE-FRET)



Step-Sequence of formation of promoter contacts using 2 FRET rulers





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Shimon Weiss

Appl. No.: 10/561,448

Confirmation No.: 8178

Filed: December 20, 2005

For: MODULATED EXCITATION
FLUORESCENCE ANALYSIS

Art Unit: 2877

Examiner: F.L. Evans

Atty. Docket No.: 58086-226455

Customer No.
26694

PATENT AND TRADEMARK OFFICE

DECLARATION UNDER 37 C.F.R. § 1.131

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, the undersigned, being duly warned, declare the following:

1. I am a co-inventor of the subject matter described and claimed in the above-identified U.S. patent application. I have reviewed the claims of this application as currently amended.

2. I understand that the Office Action dated November 30, 2007 rejected the examined claims of this patent application under 35 U.S.C. § 102(a) over published German patent application Publication No. DE 10210737 A1 by Krieger et al. that published March 20, 2003.

3. I, together with my co-inventors, conceived the invention described and claimed in at least independent claims 1 and 21 of this application, and reduced it to practice, prior to the March 20, 2003 publication date of the cited reference. Our prior invention is evidenced by a copy of a presentation by one of the co-inventors, Achillefs Kapanidis, at the Single-Molecule Biophysics Conference in Aspen, CO on January 7, 2003, (copy attached as Exhibit A).

4. As documented by Exhibit A, my co-inventors and I conceived the invention of at least current independent claims 1 and 21, and reduced it to practice, prior to January 7, 2003.

5. The acts described above in paragraphs 3 and 4 were carried out in the United States of America, or else in a WTO member country.

6. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

05/28/08
Date

Shimon Weiss
Shimon Weiss

Date

Achillefs Kapanidis

Date

Ted A. Laurence

Date

Nam K. Lee

Exhibit A

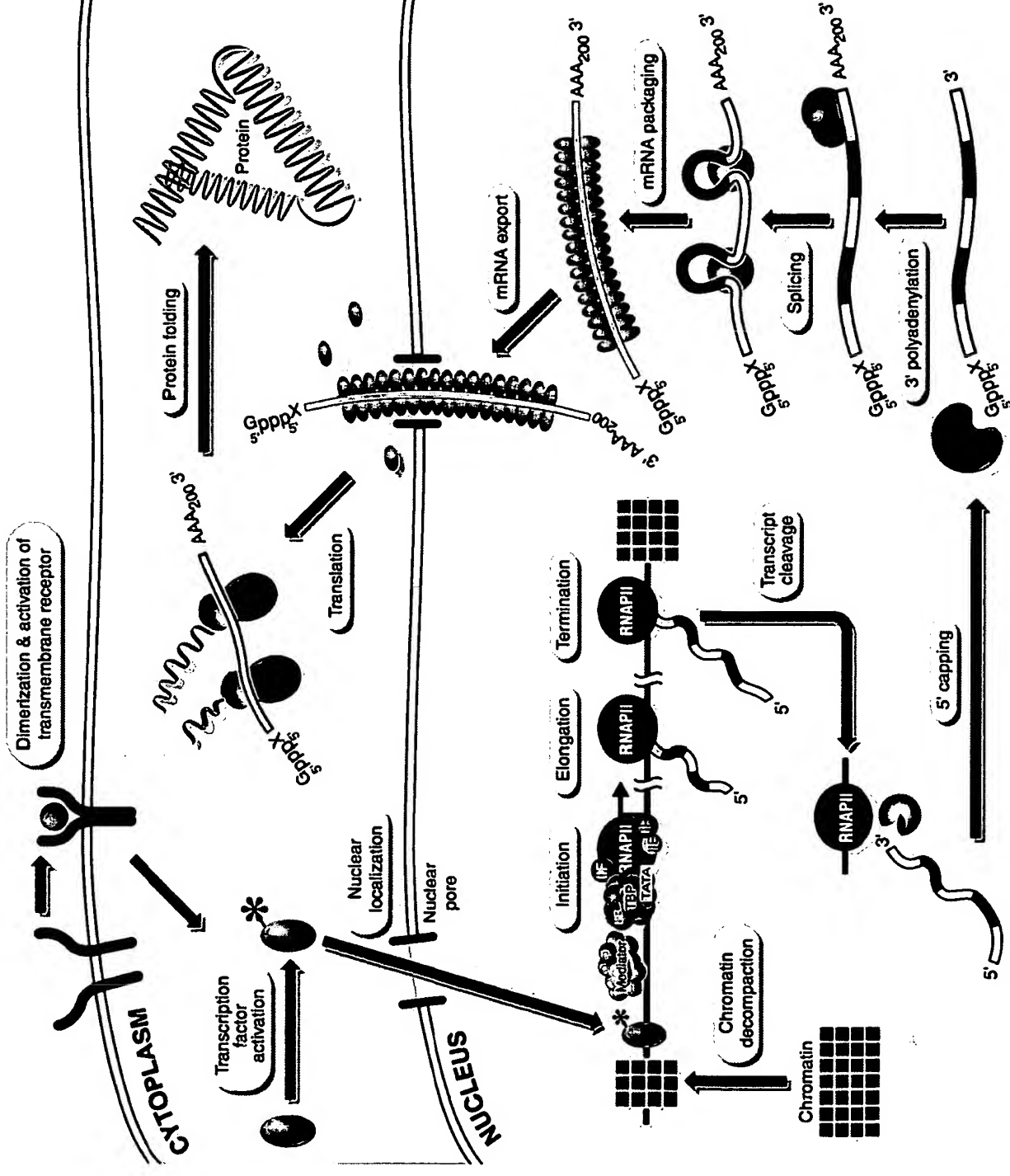
*Molecular Machines at Work:
Single-Molecule Analysis of Transcription by RNA Polymerase
Achillefs Kapanidis (Shimon Weiss' group, UCLA)*



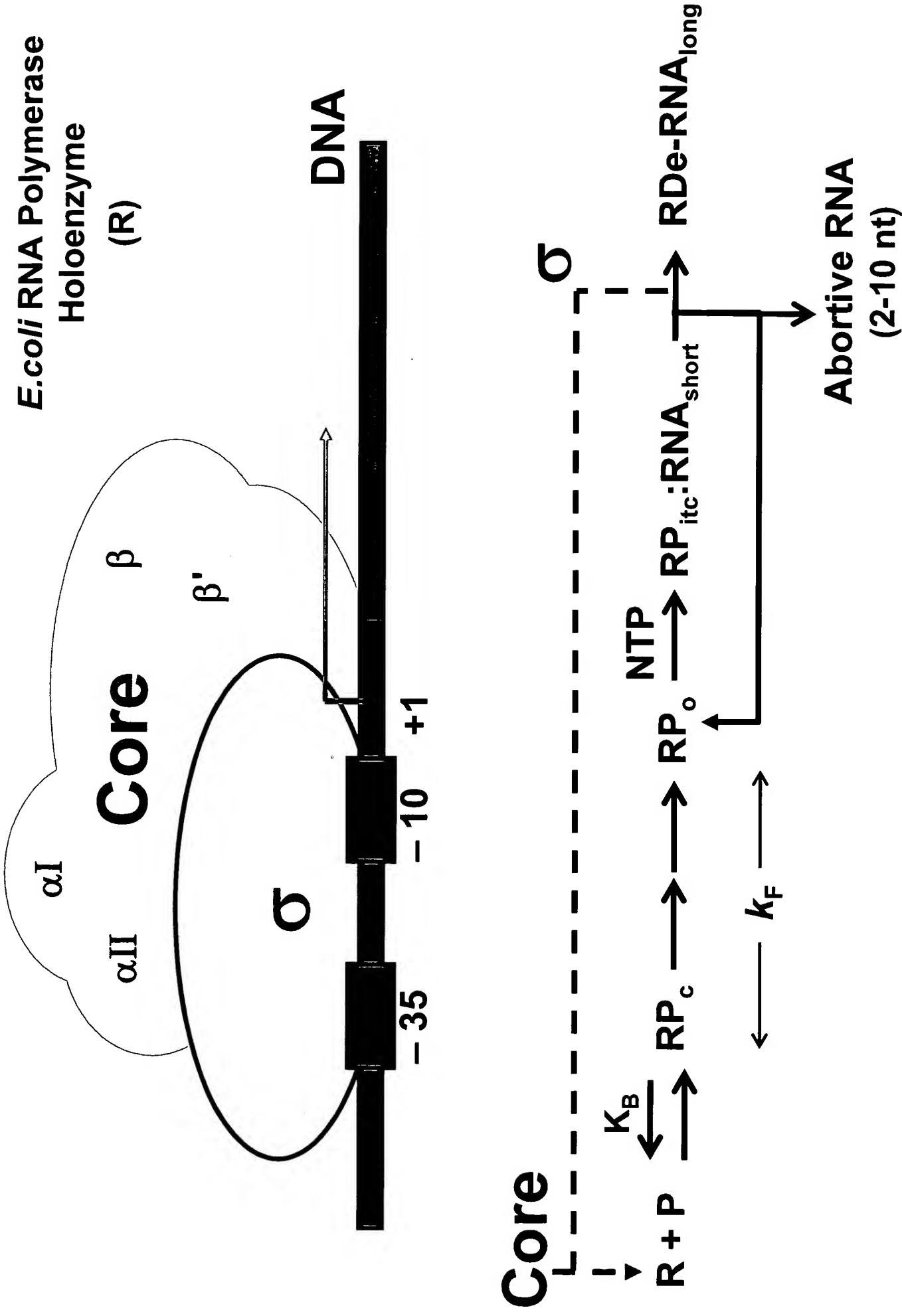
Core RNA polymerase (Darst lab)

GENE EXPRESSION:

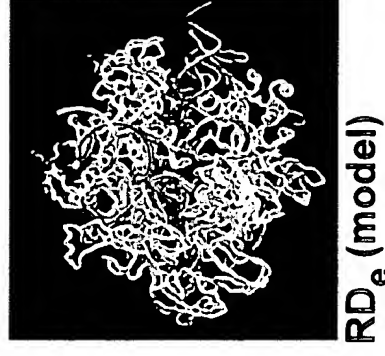
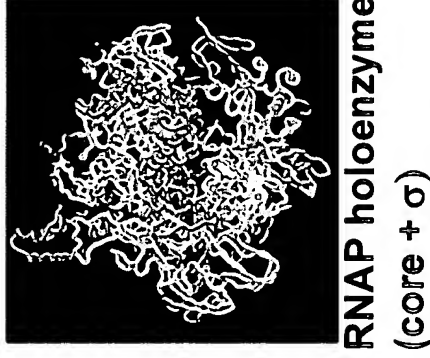
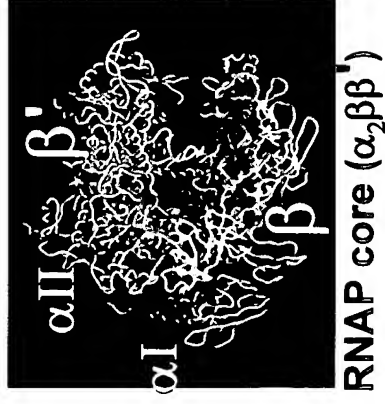
The path from gene to protein



TRANSCRIPTION INITIATION

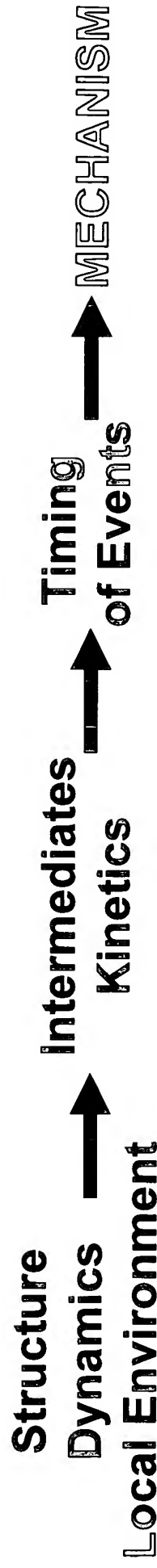


STRUCTURAL ASPECTS OF TRANSCRIPTION



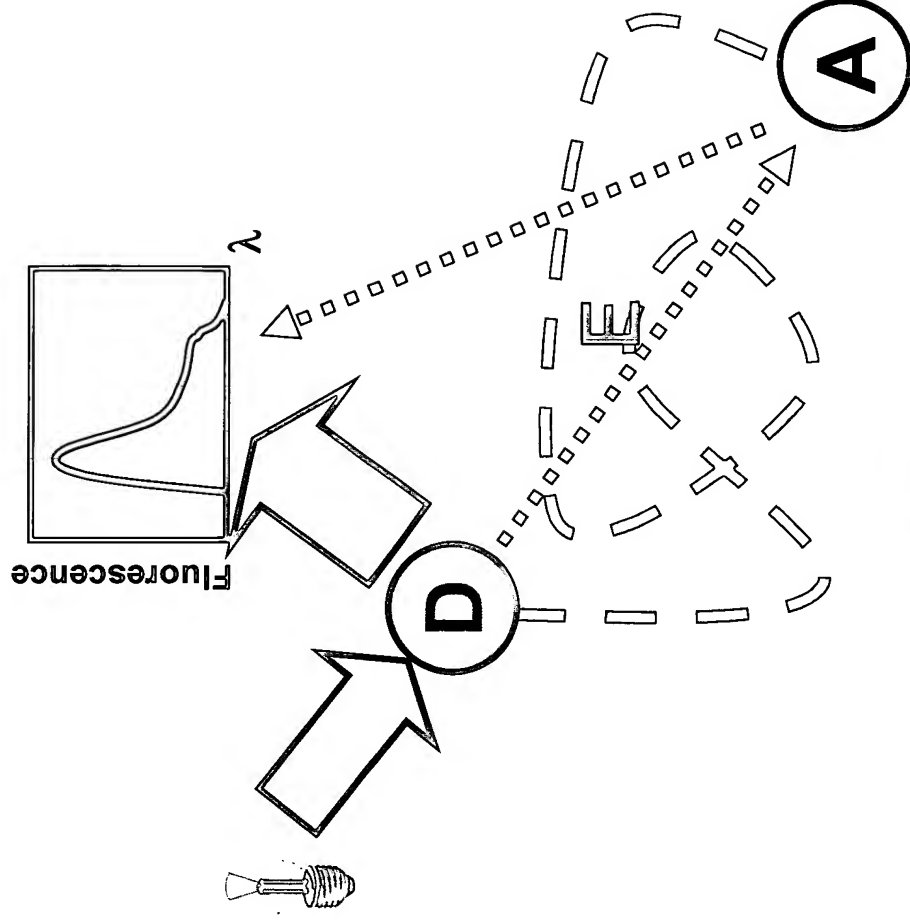
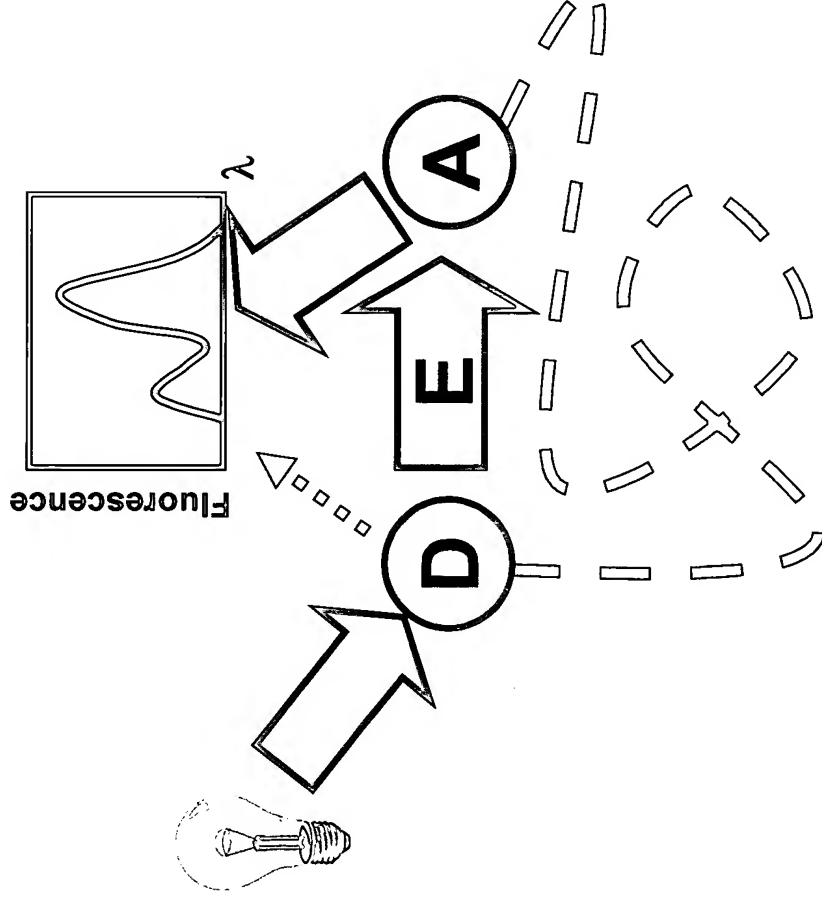
X-ray structures → static snapshots of the machine

SMD: "movie" of the dynamic process



FÖRSTER RESONANCE ENERGY TRANSFER (FRET):

A “MOLECULAR RULER” FOR THE 2-10 nm REGIME



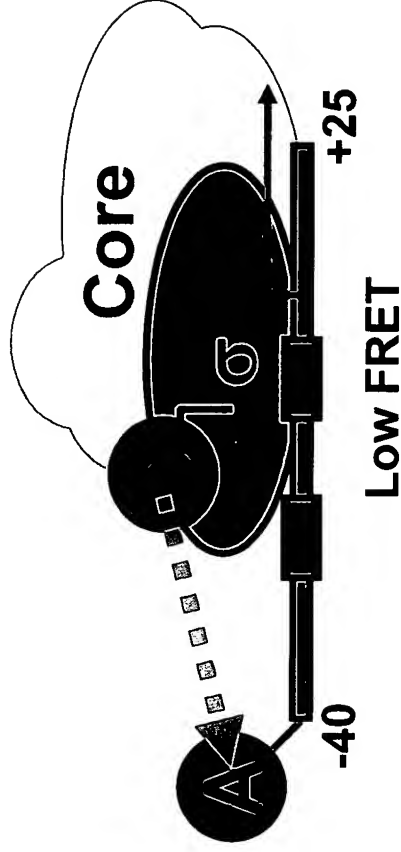
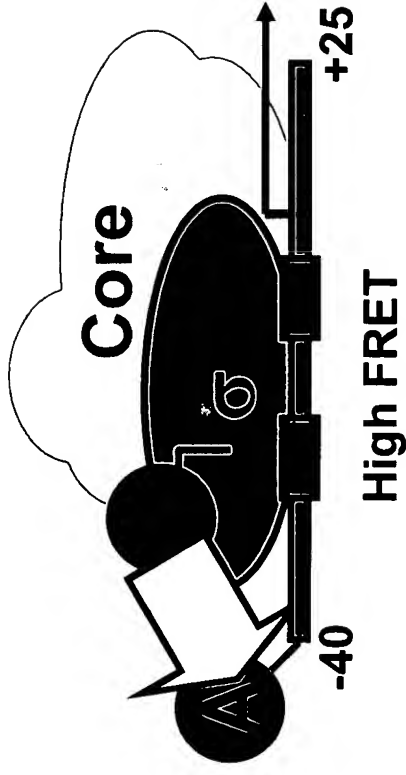
FRET Efficiency, $E = [1 + (R/R_0)^6]^{-1}$

R = D-A Distance

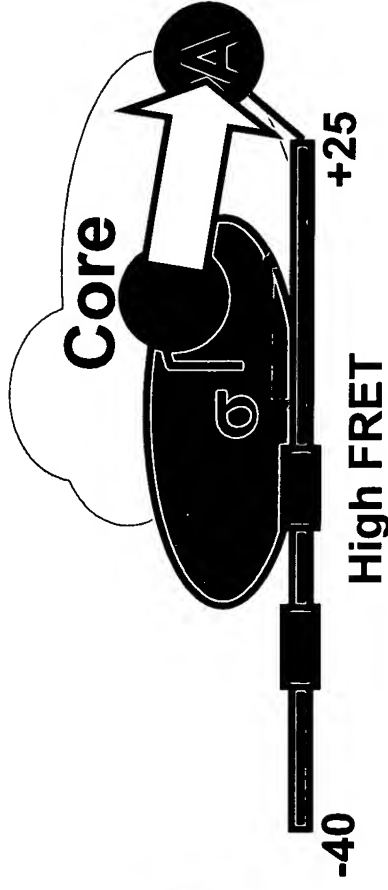
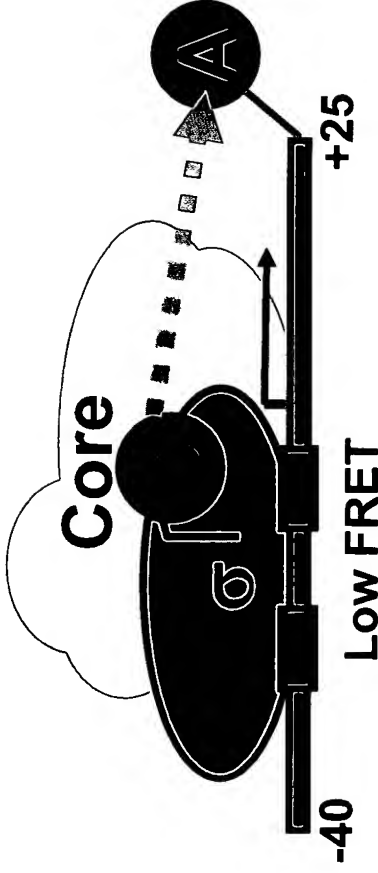
TRAILING-EDGE and LEADING-EDGE FRET:

Assay of translocation of a protein relative to a nucleic acid

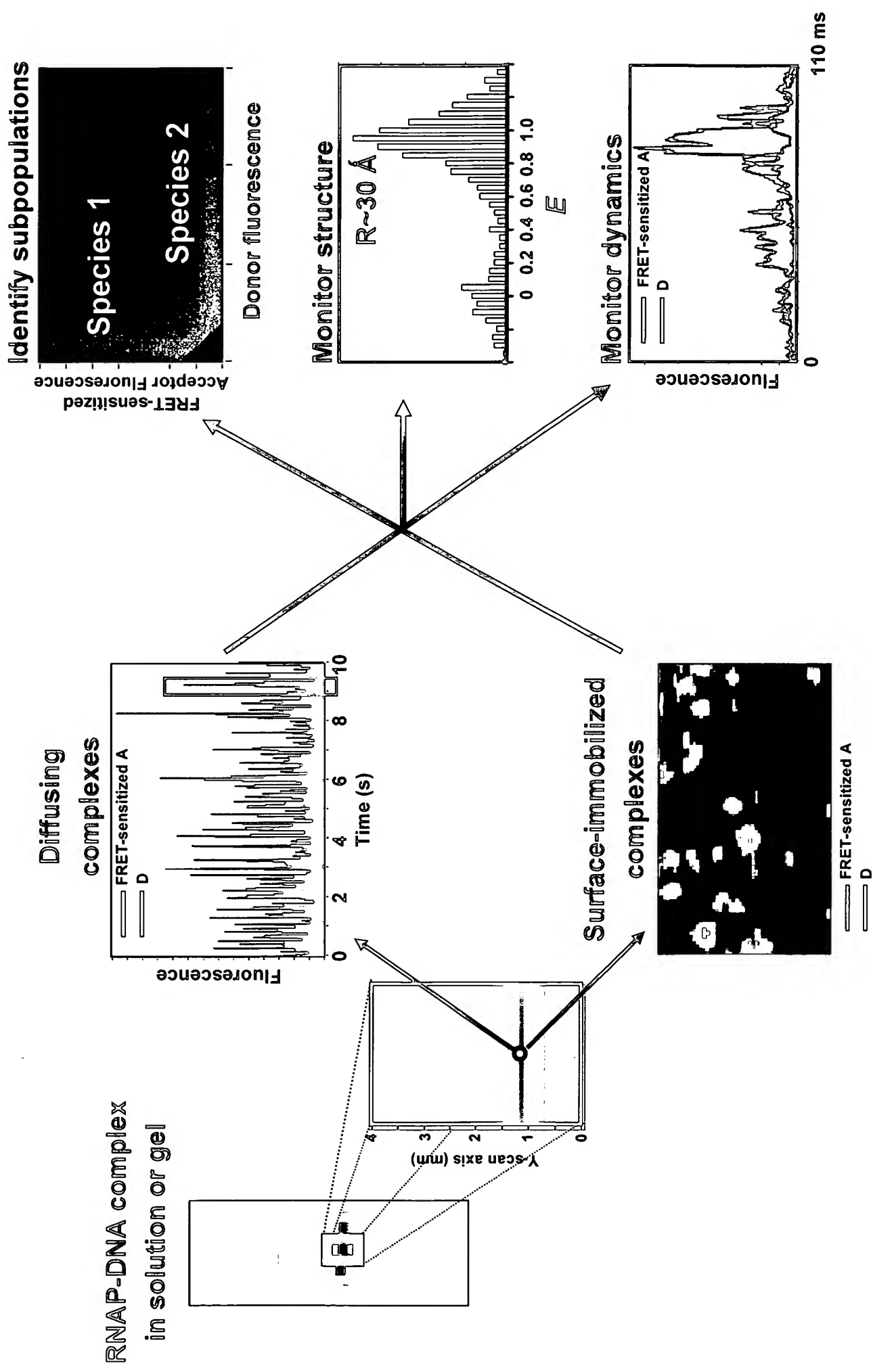
Trailing-edge FRET



Leading-edge FRET



SP-FRET ON RNAP-DNA COMPLEXES

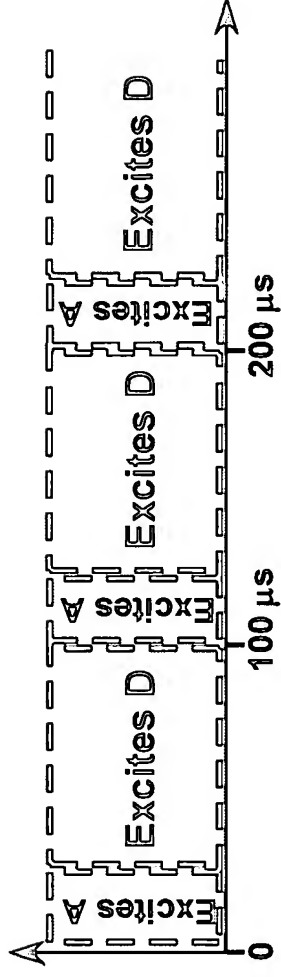


LIMITATIONS OF SINGLE-LASER EXCITATION spFRET

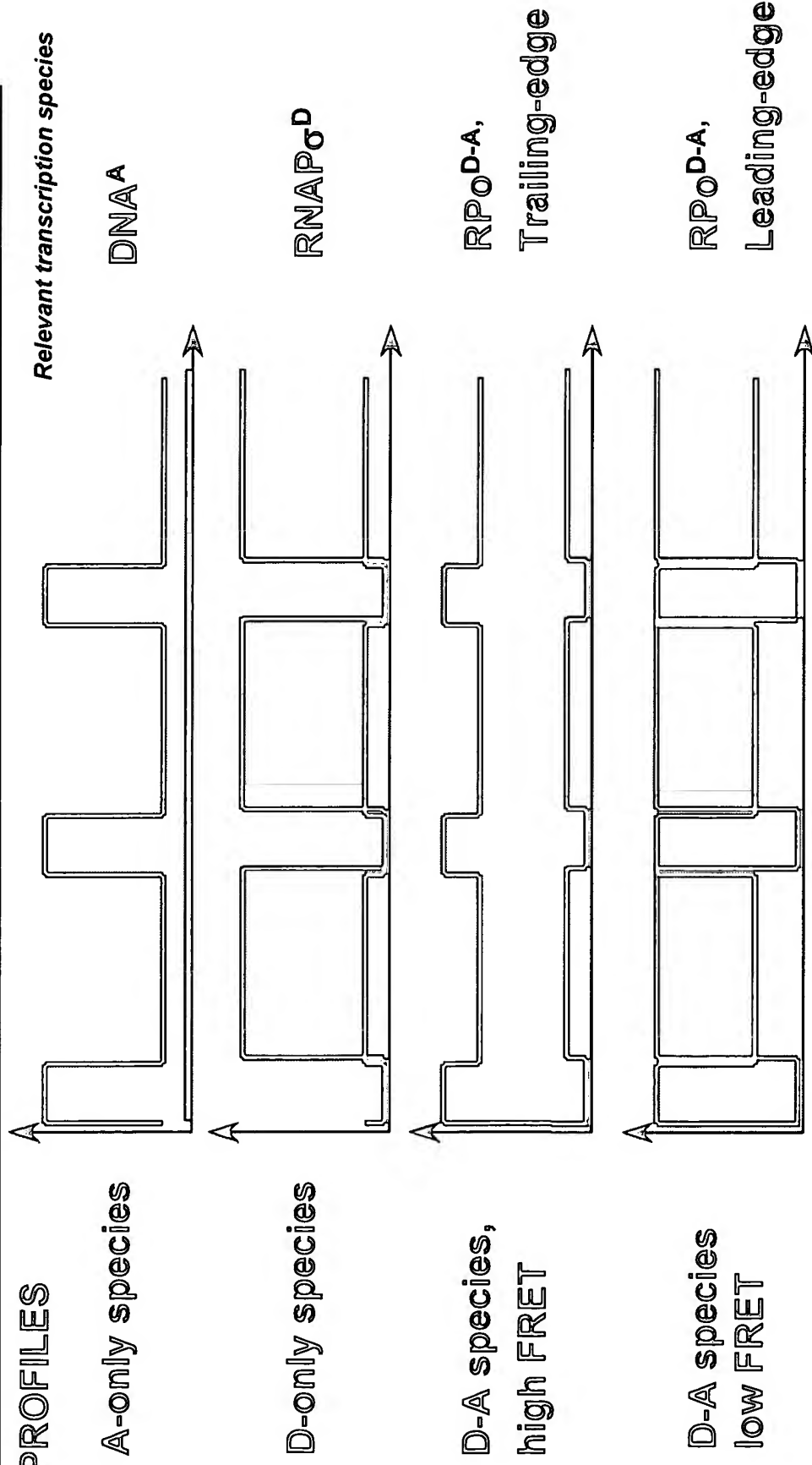
- Complex FRET Acceptor photophysics
 - "Dark" states → D-only peak
 - Photobleaching → D-only peak
 - Intermittency ("Blinking")
- Complex FRET Donor photophysics
 - Intermittency
 - Transient QY changes
- Limited discrimination ability in the FRET coordinate
 - FRET range of 0-0.3 not easily accessible
- Variable fluorescence contamination
 - Adds variable counts to D-only peak

sp-FRET USING ALTERNATE LASER EXCITATION (ALEX)

EXCITATION PROFILE



EMISSION PROFILES



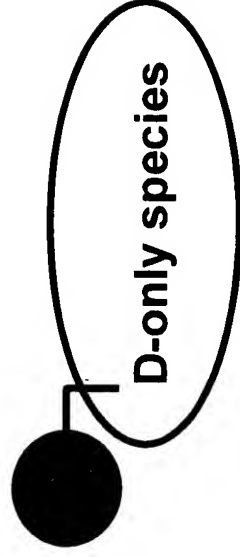
EQUATIONS

Energy transfer ratio (E)

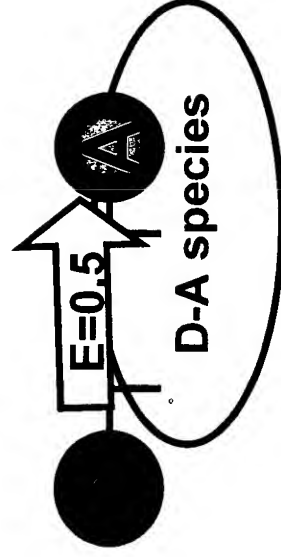
$$E = \frac{F_{670\text{em}, 514\text{ex}}^{\text{DA}}}{F_{670\text{em}, 514\text{ex}}^{\text{DA}} + F_{580\text{em}, 514\text{ex}}^{\text{DA}}}$$

ALEX-based ratio (ALEX)

$$\text{ALEX} = \frac{F_{514\text{ex}}}{F_{514\text{ex}} + F_{638\text{ex}}} = \frac{F_{670\text{em}, 514\text{ex}} + F_{580\text{em}, 514\text{ex}} + F_{670\text{em}, 633\text{ex}}}{F_{670\text{em}, 514\text{ex}} + F_{580\text{em}, 514\text{ex}} + F_{670\text{em}, 633\text{ex}}}$$



$$\text{ALEX} = \frac{0 + 100}{0 + 100 + 0} \sim 1.0$$

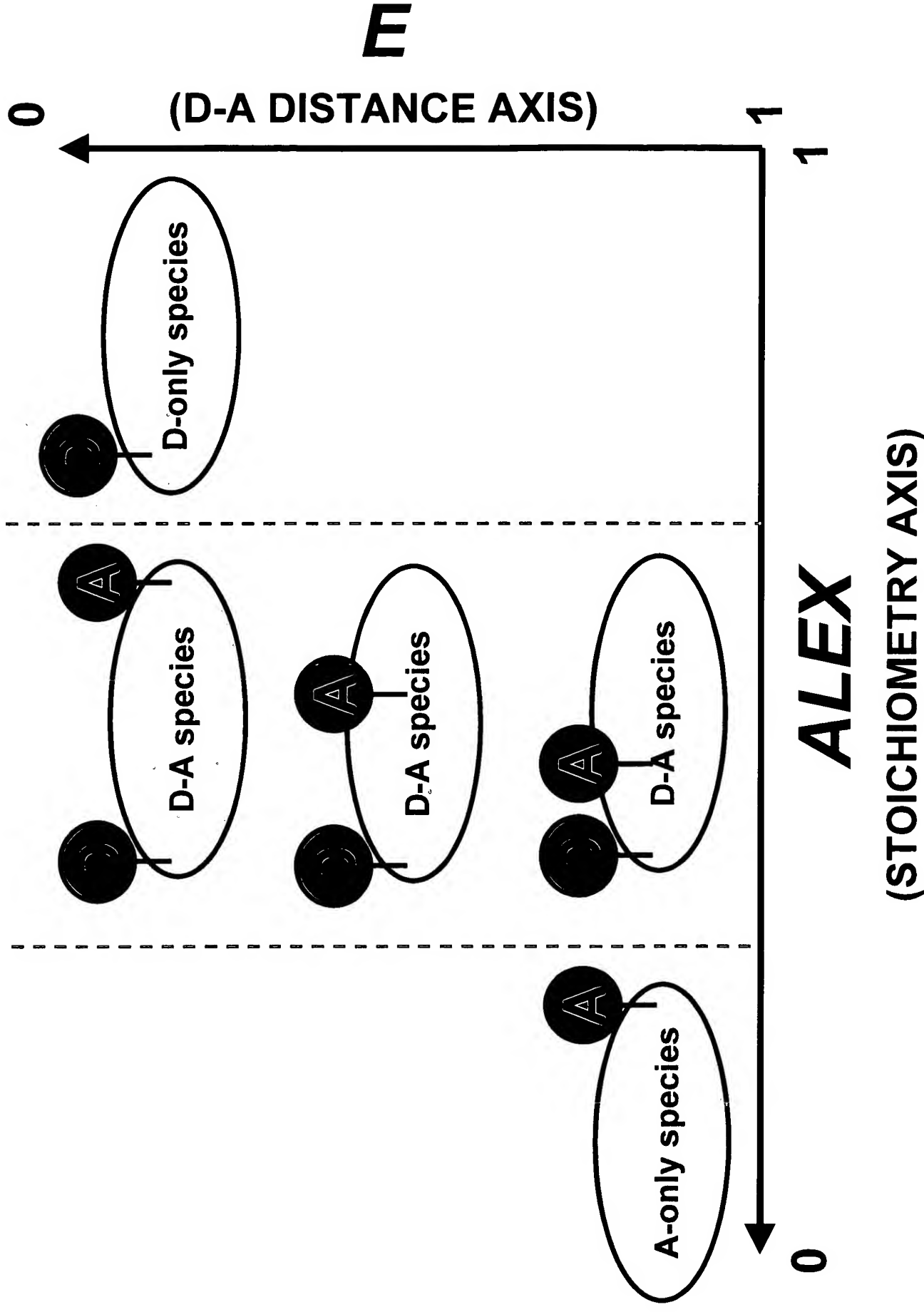


$$\text{ALEX} = \frac{50 + 50}{50 + 50 + 100} \sim 0.5$$

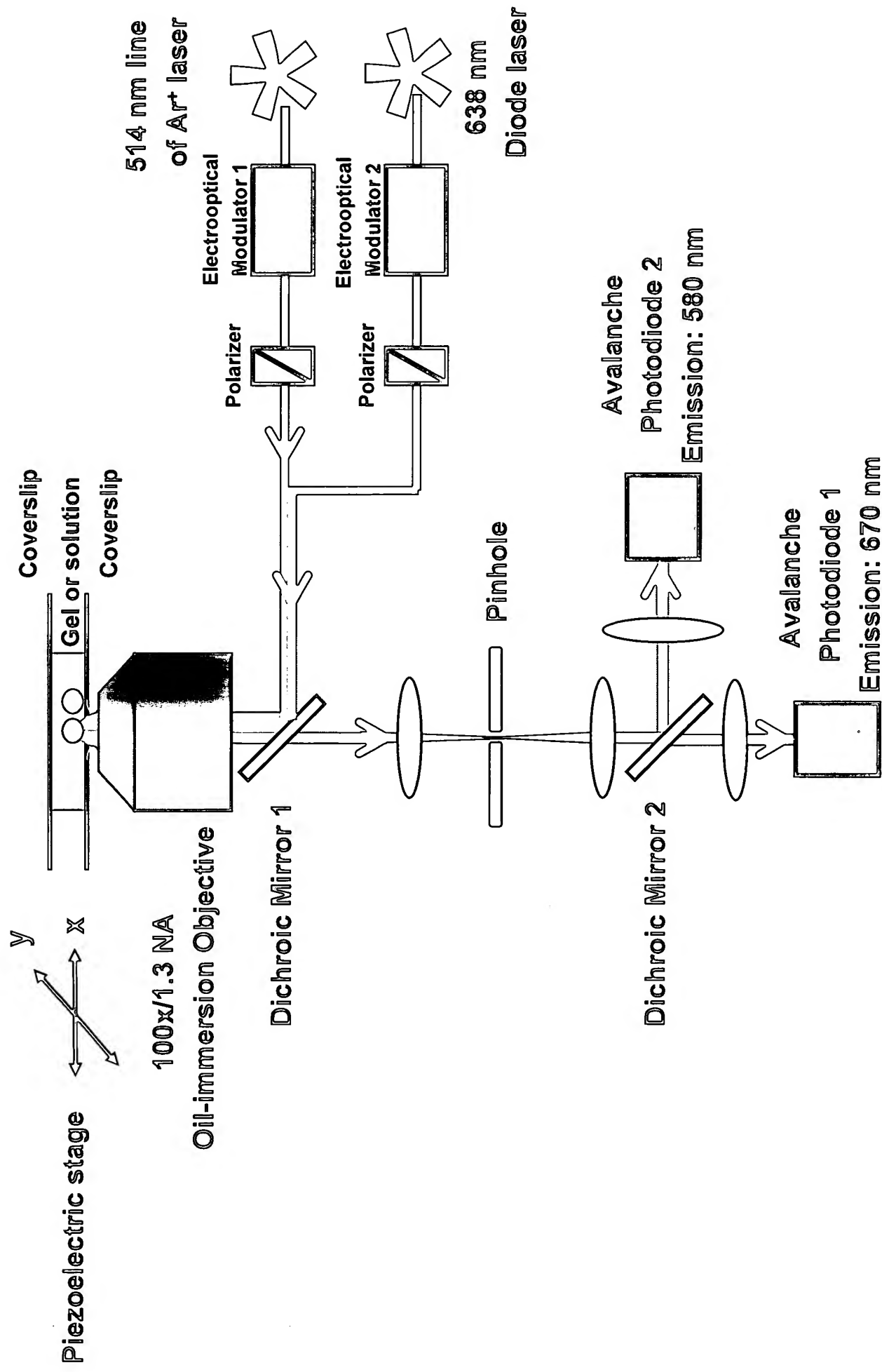


$$\text{ALEX} = \frac{0 + 0}{0 + 0 + 100} \sim 0.0$$

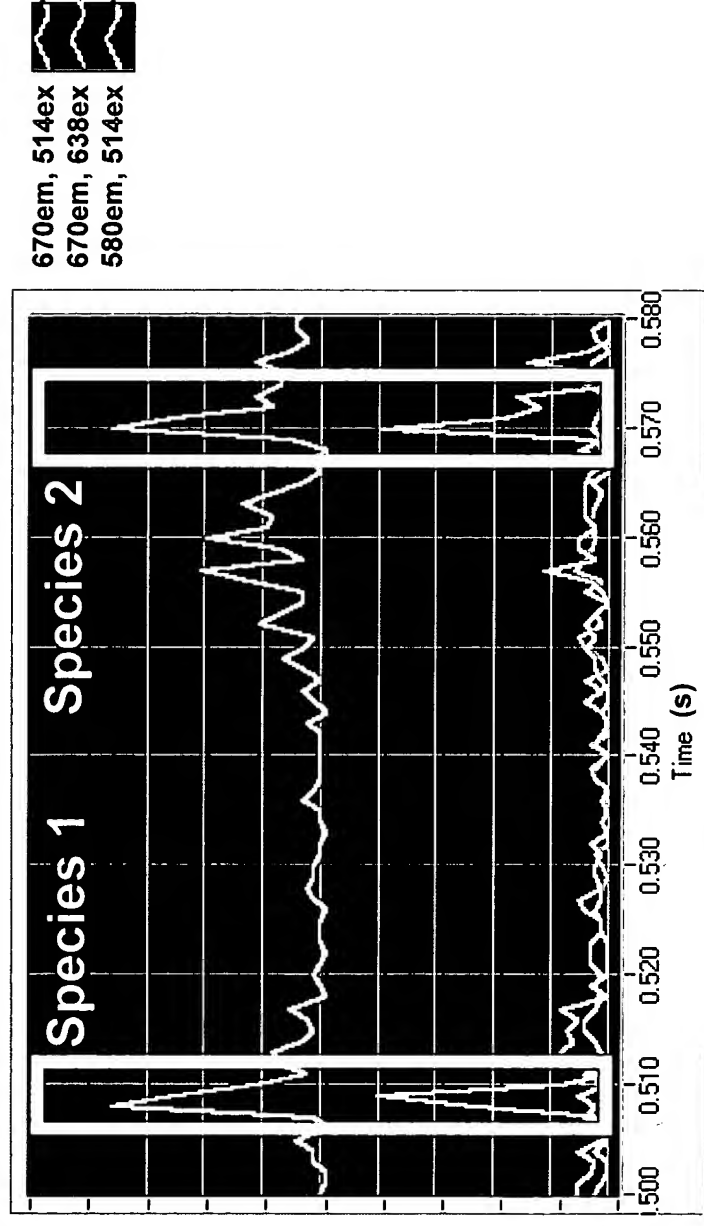
SORTING SPECIES USING E , $ALEX$



ALEX SINGLE-MOLECULE CONFOCAL MICROSCOPY



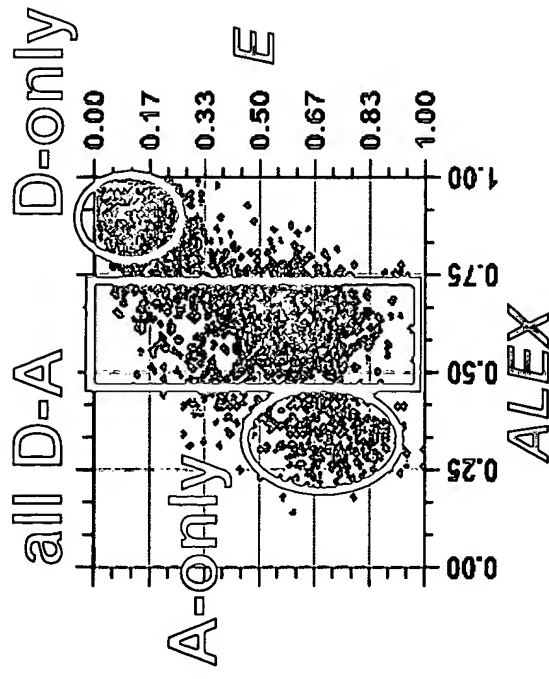
DATA ANALYSIS FOR INDIVIDUAL SPECIES



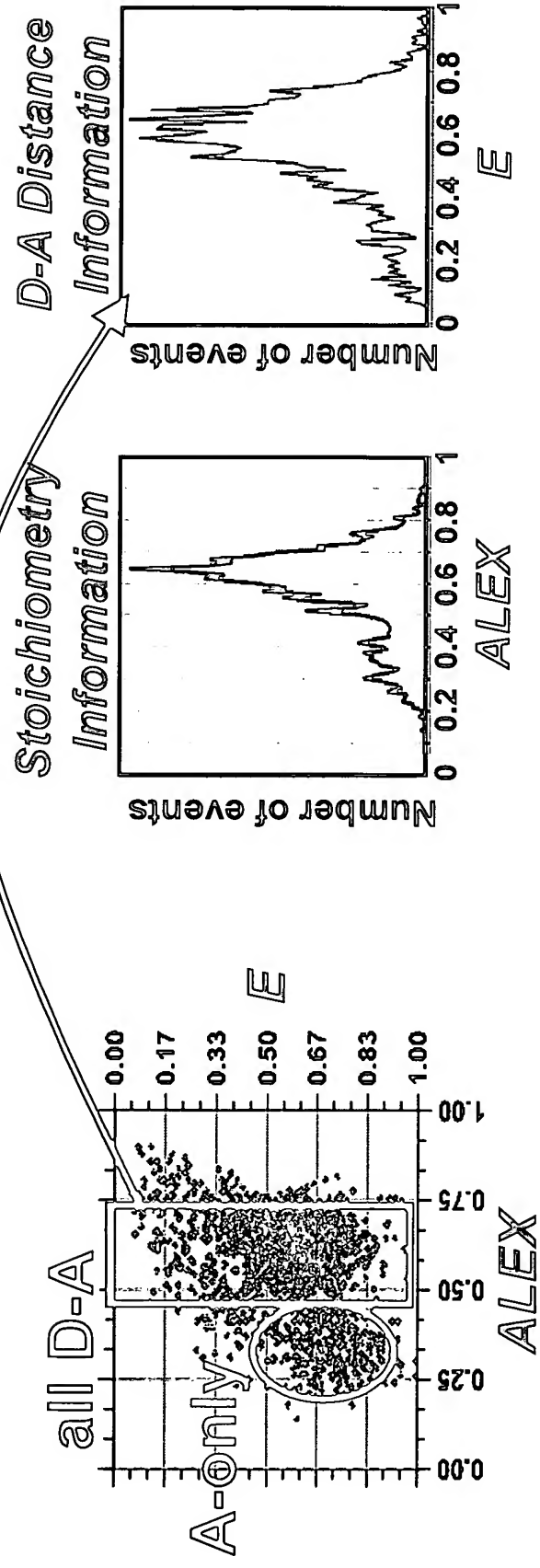
Species 1 Species 2

670em, 514ex	71	85
670em, 638ex	69	93
580em, 514ex	7	11
FRET-sensitized A	52	60
E, simplified	91%	88%
E, FRET-sensitized A	91%	77%
ALEX	0.49	0.66

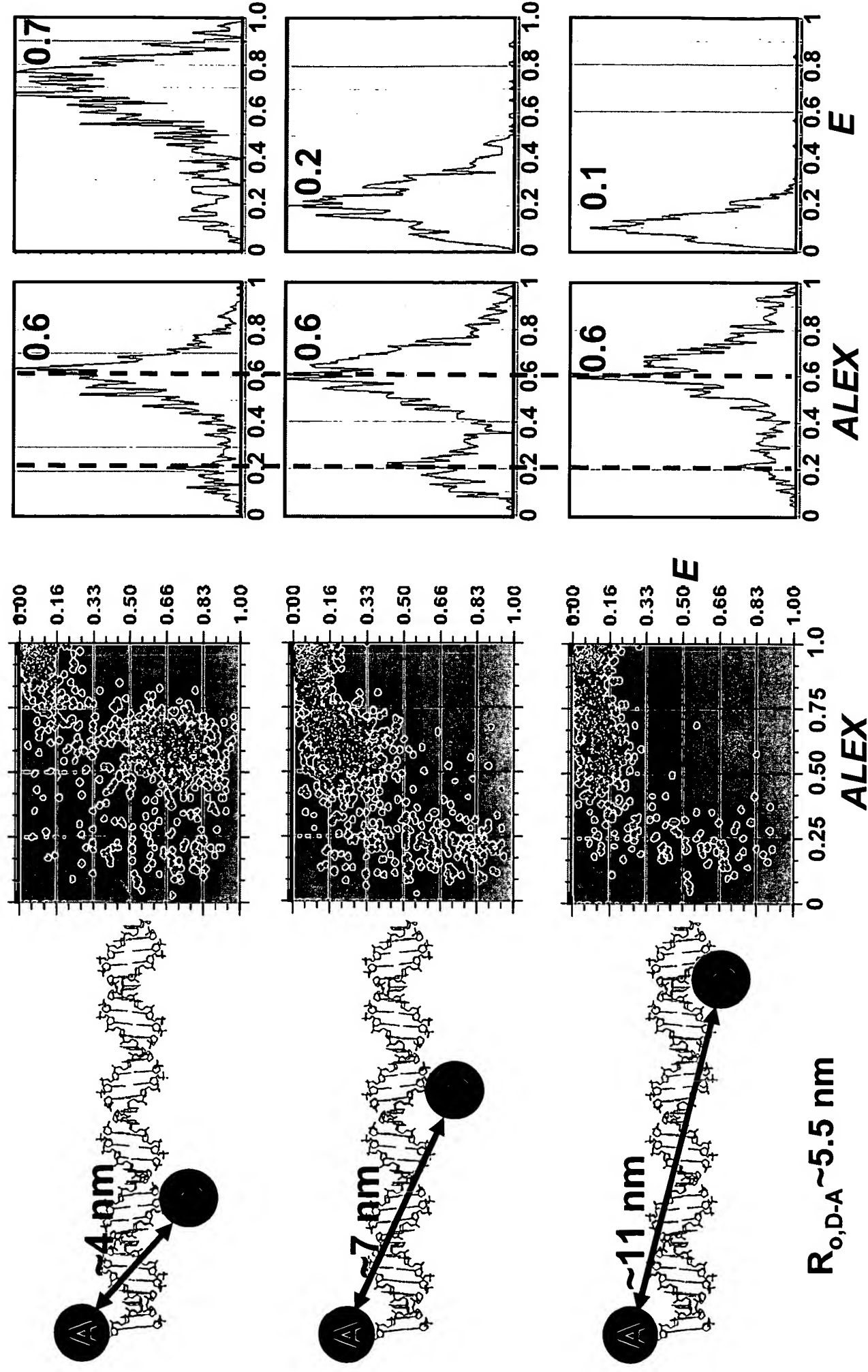
DATA ANALYSIS USING E-ALEX 2-D HISTOGRAMS



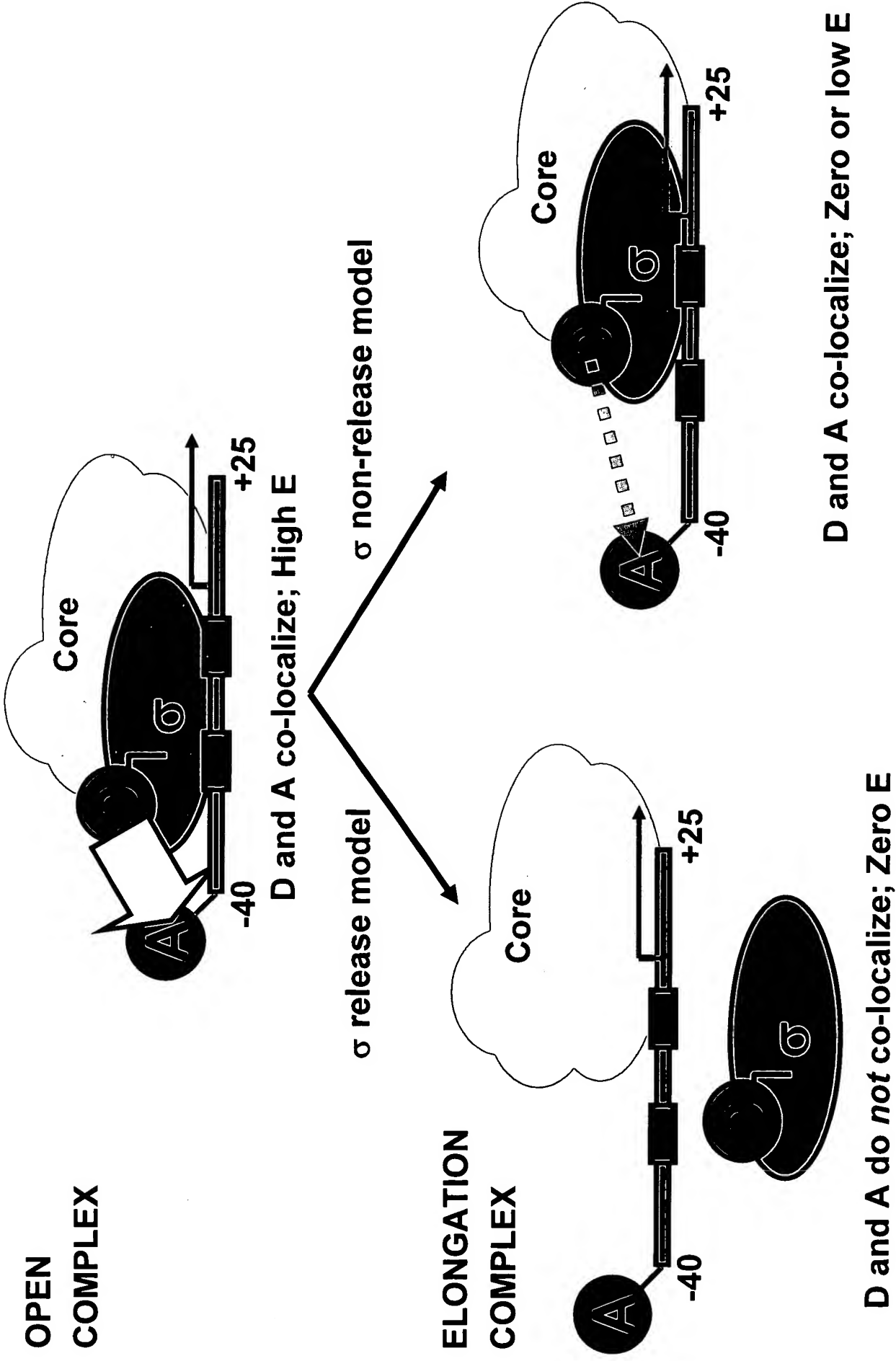
$\downarrow F_{670em,638ex} > 15 \text{ KHz}$



MODEL SYSTEMS: dsDNA



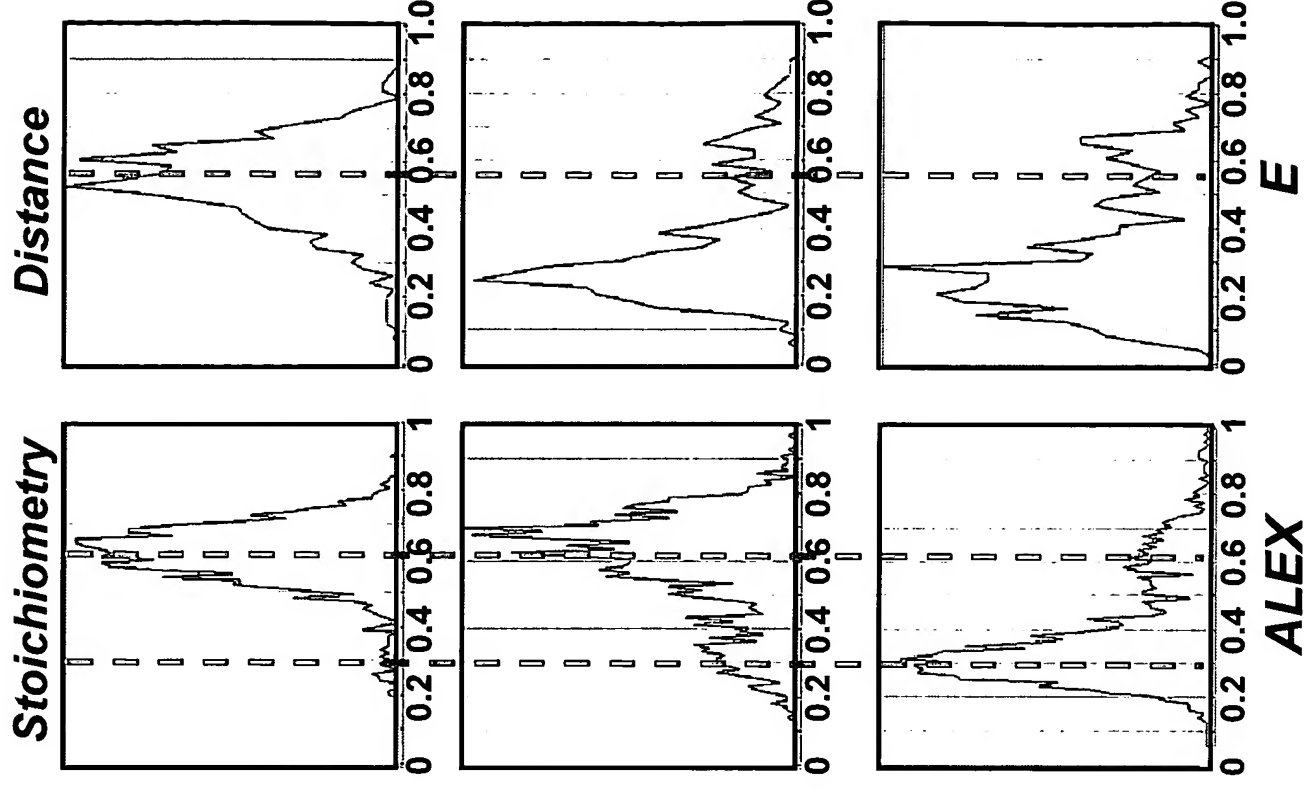
USING TRAILING-EDGE sp-FRET TO ANALYZE SIGMA RELEASE UPON PROMOTER ESCAPE



TRAILING-EDGE spFRET

RNAP $\sigma^{\text{TMR},569} \rightarrow \text{lacUV5-11 Cy5,-40}$

RPO + ApA
(RP_{itc,2})
(equivalent to RPO)



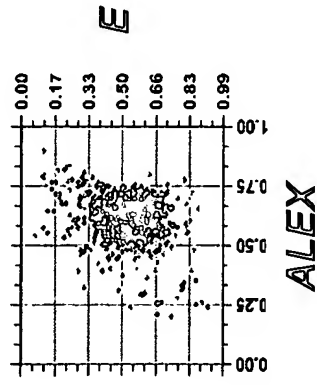
RPO + ApA
+ 12.5 μM UTP/GTP/ATP
(RD_{e,11})

RPO + ApA
+ 60 μM NTPs
(chase)

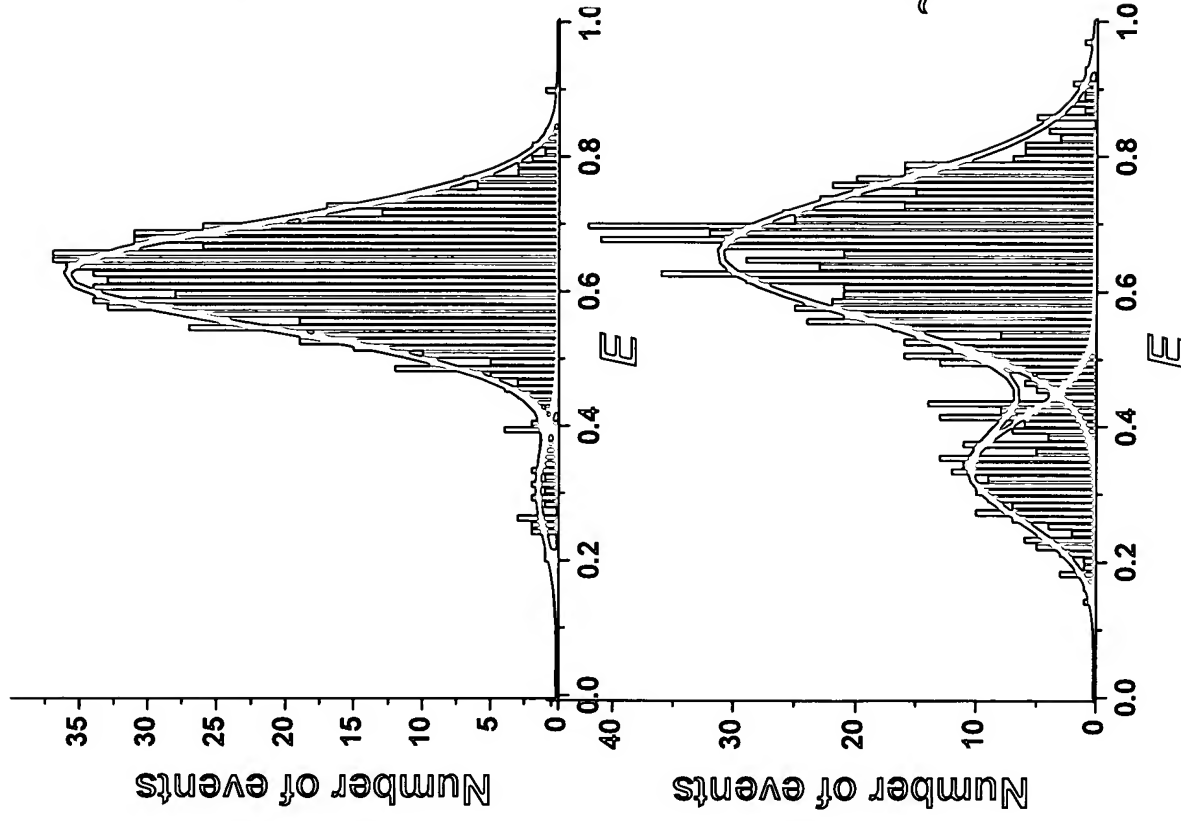
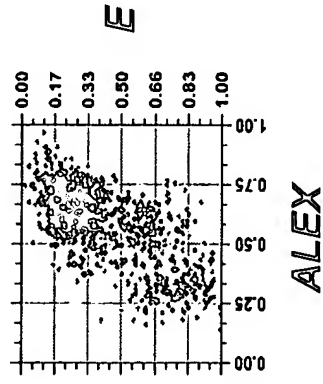
ABILITY OF STALLED COMPLEXES
TO RESUME TRANSCRIPTION

DIRECT OBSERVATION OF SIGMA NON-RELEASE: TRAILING-EDGE spFRET

RP_{itc,2}



RD_{e,11}



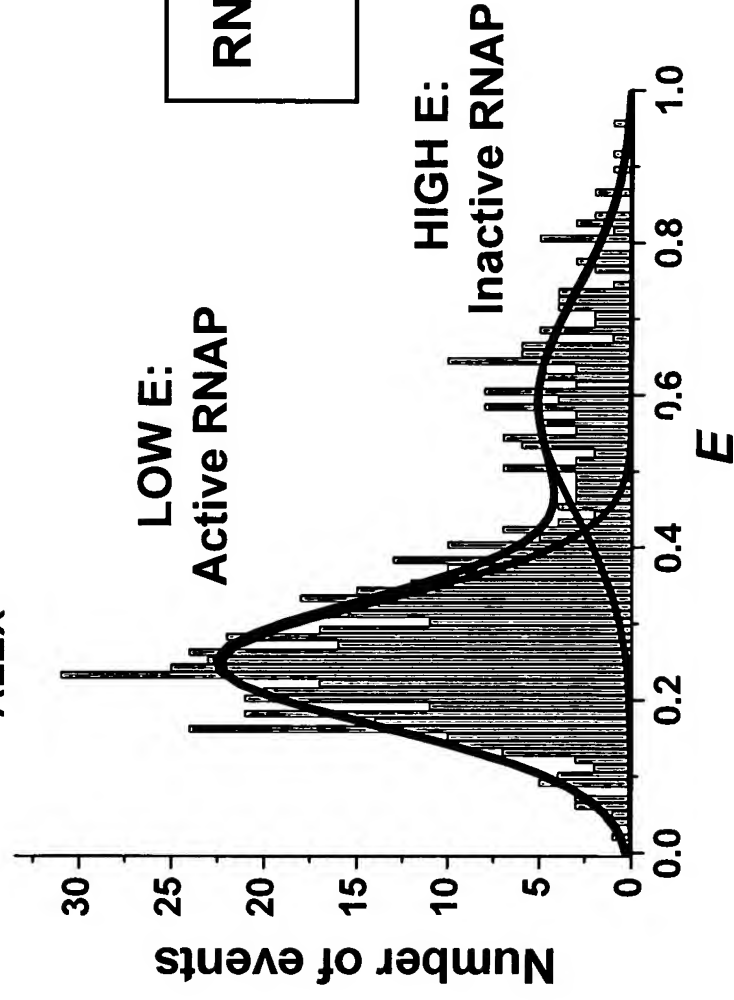
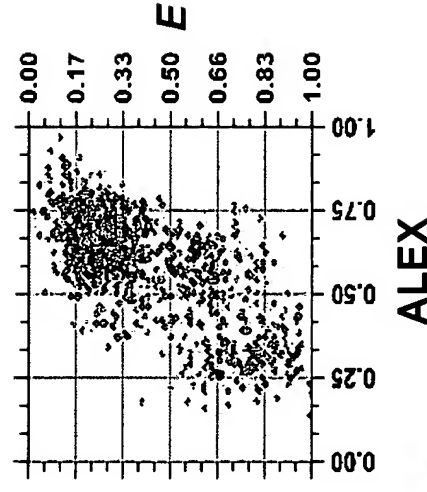
~5% dissociation

~20% dissociation

$$\% \text{ Dissociation} = \frac{(A\text{-only})}{(A\text{-only}) + (\text{all } D\text{-}A)}$$

E HISTOGRAM MONITORS ABILITY OF RNAP TO TRANSLOCATE UPON ESCAPE: TRAILING-EDGE spFRET

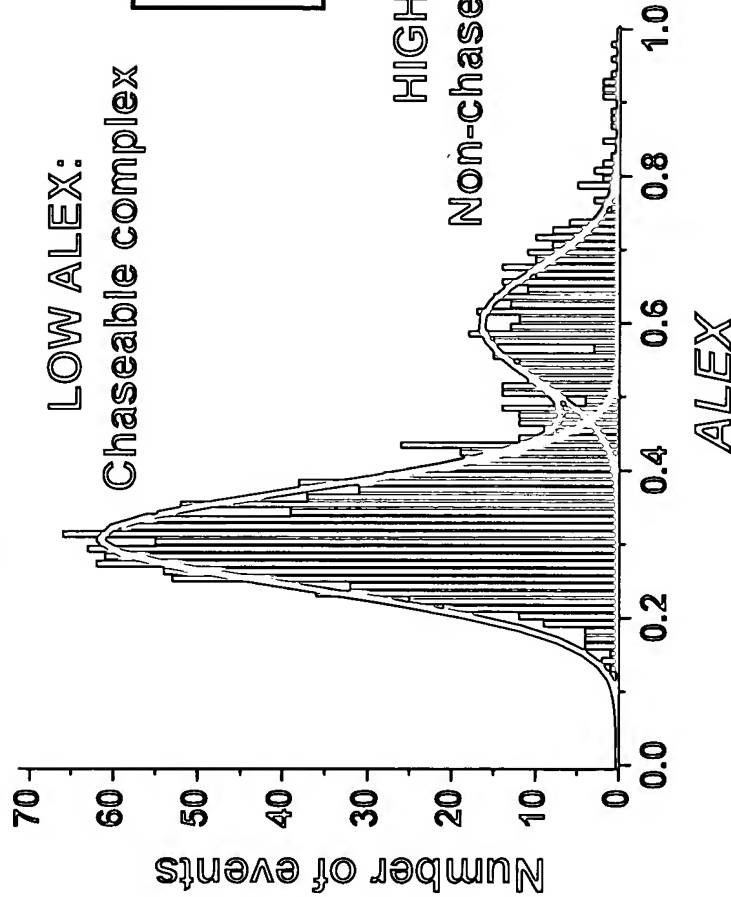
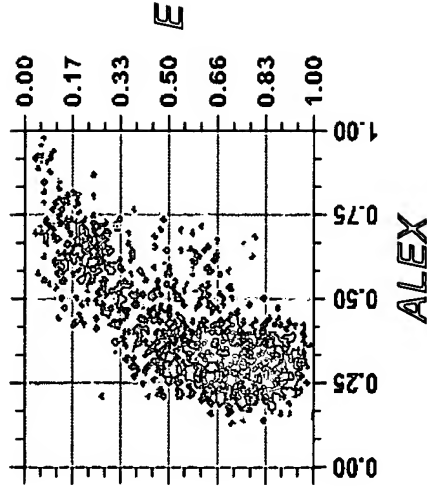
RPO + ApA + 12.5 μ M UTP/GTP/ATP ($RD_{e,11}$)



RNAP translocational
activity ~ 70%

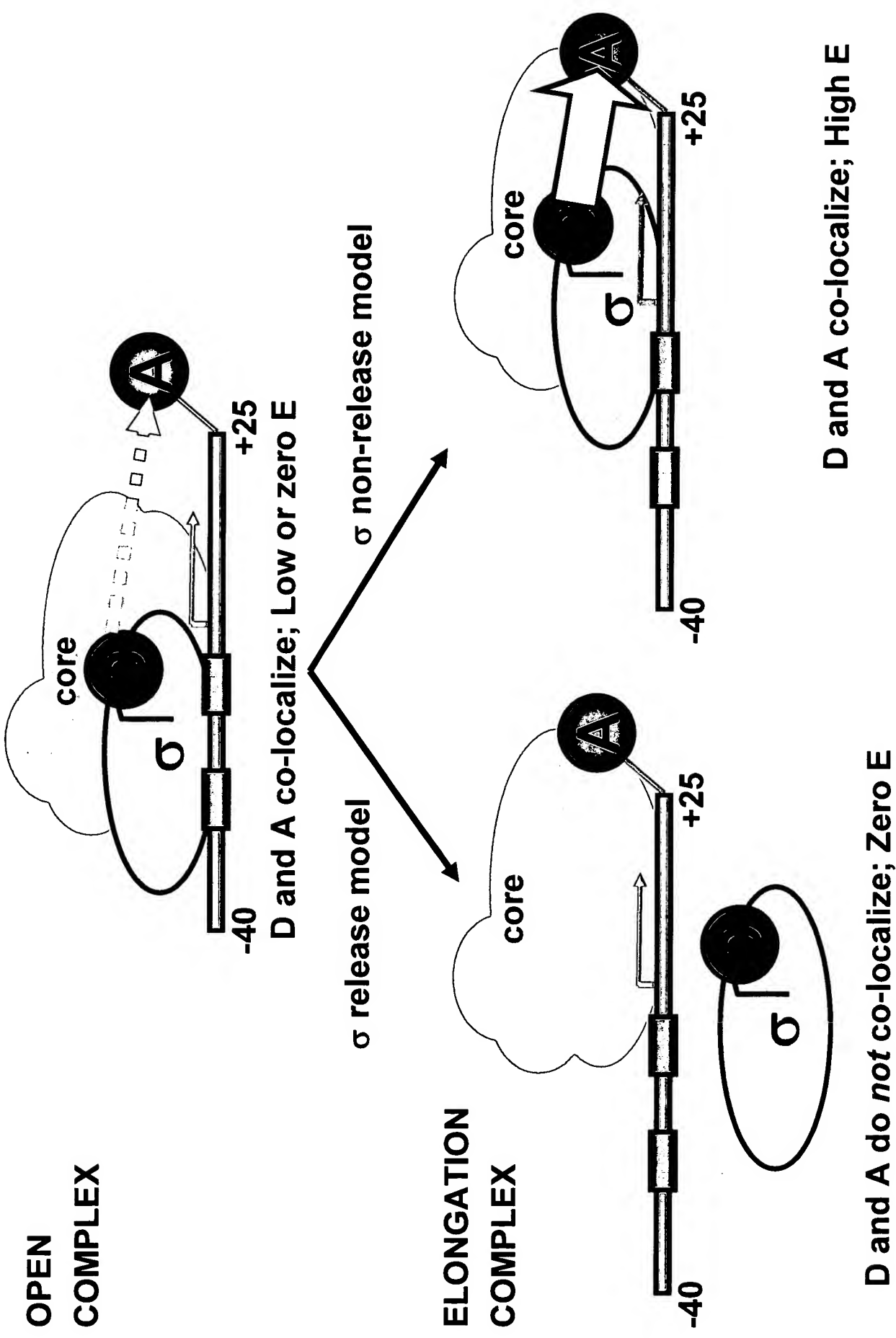
DISSOCIATION HISTOGRAM MONITORS ABILITY OF RNAP TO BE “CHASED”: TRAILING-EDGE SPRET

RPO + AdA + 60 μ M NTPs (chase)



RNAP “chaseability”
~ 80%

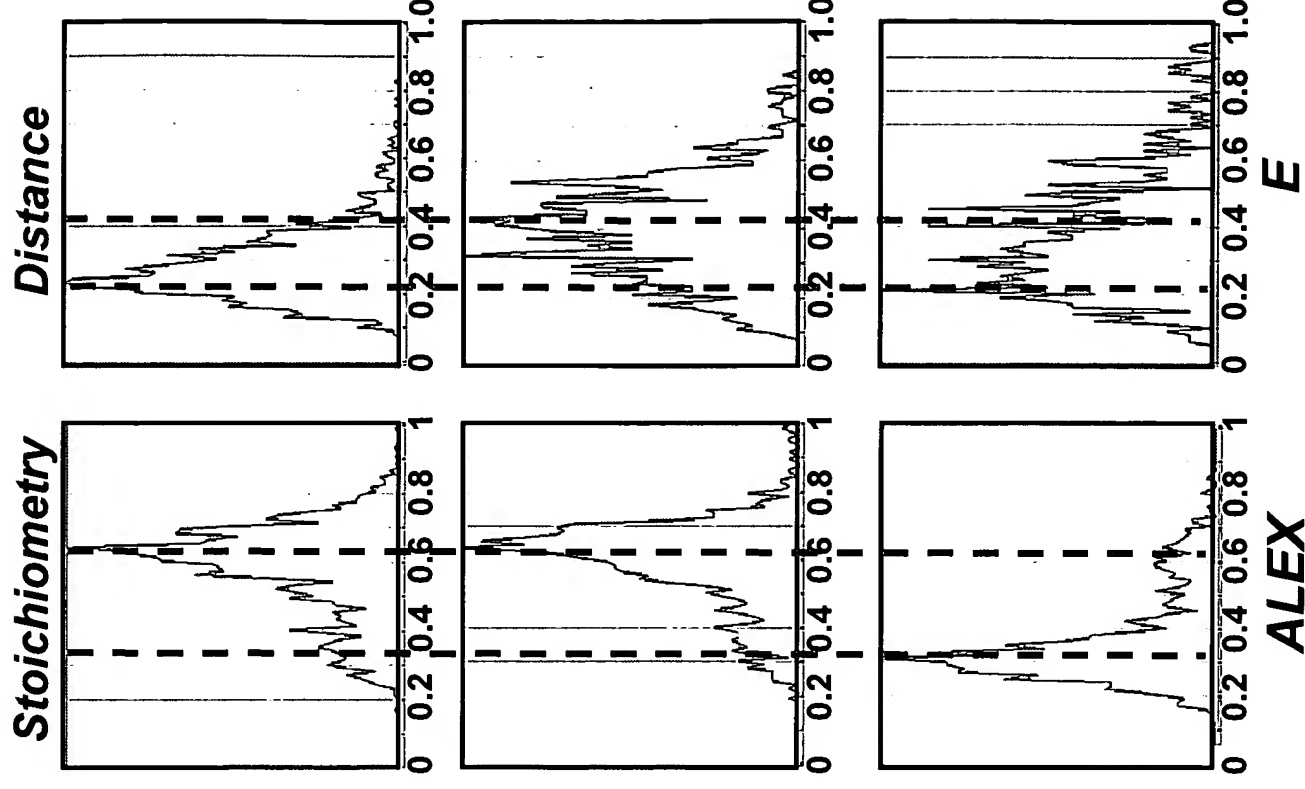
USING LEADING-EDGE spFRET TO ANALYZE SIGMA RELEASE UPON PROMOTER ESCAPE



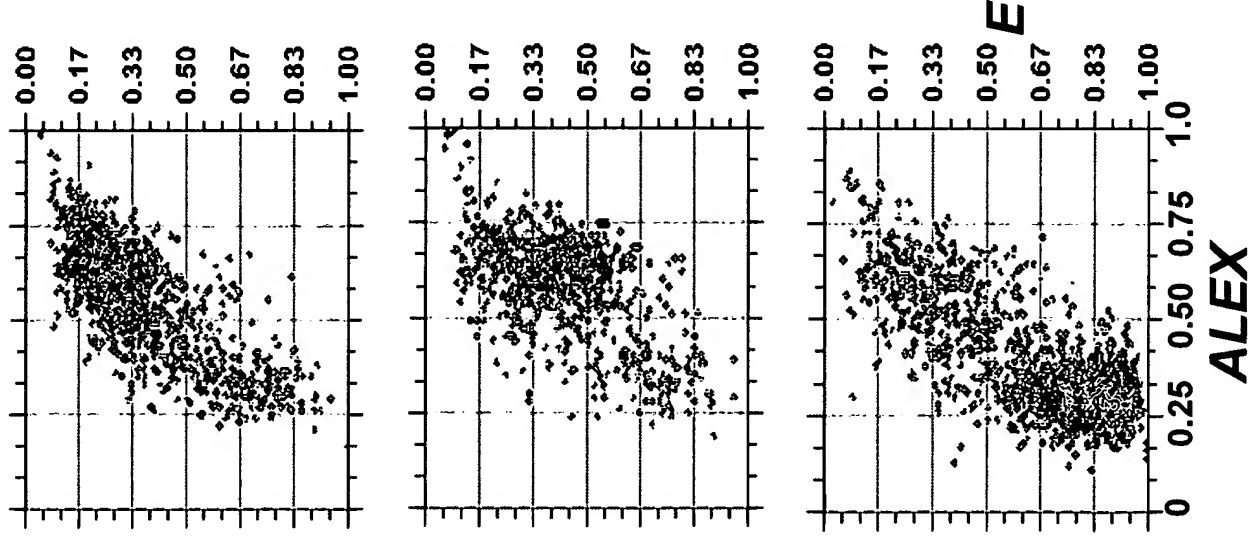
LEADING-EDGE spFRET

RNAP $\sigma^{\text{TMR,366}}$ \rightarrow lacUV5-11Cy5,+25

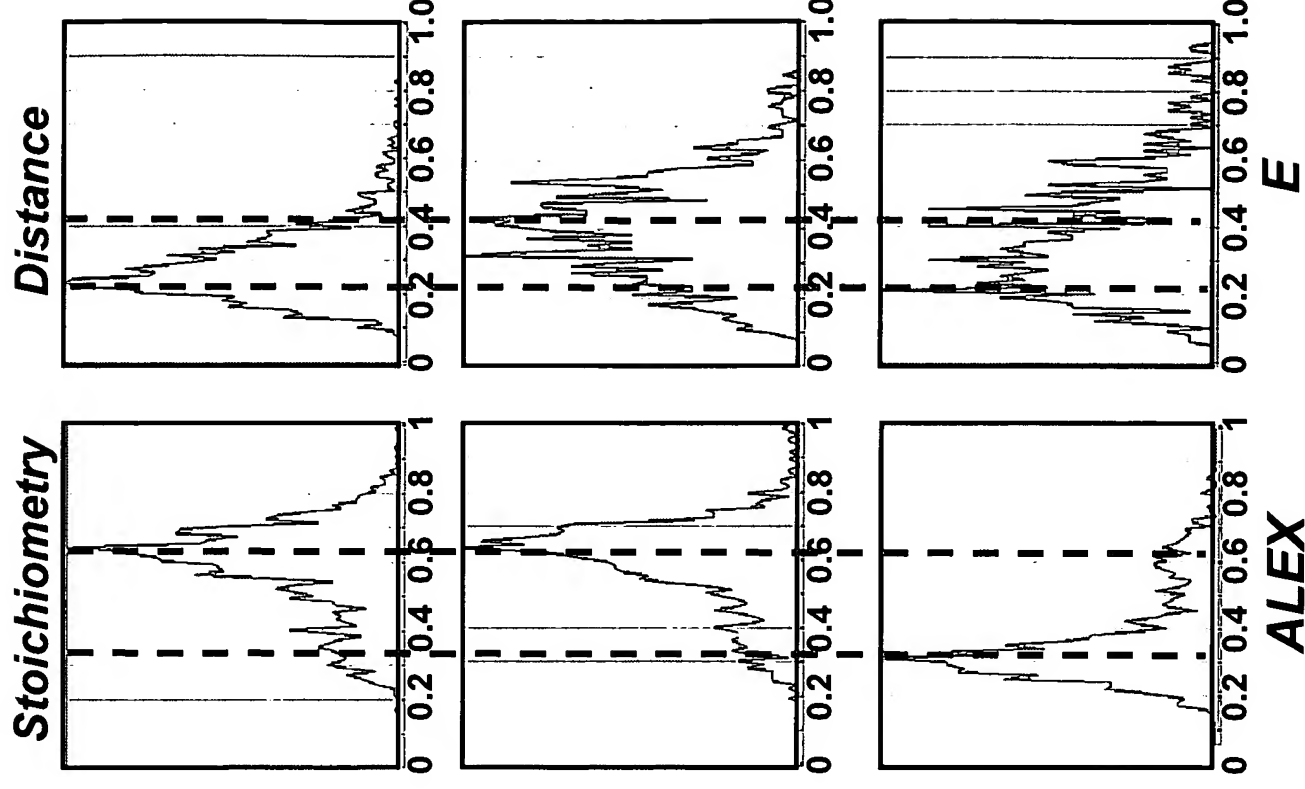
RPo + ApA
(RP_{itc,2})
(equivalent to RPo)



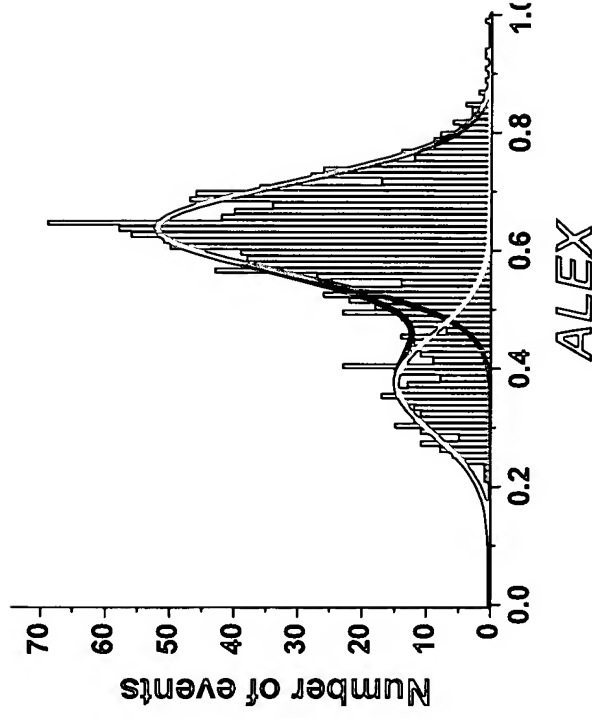
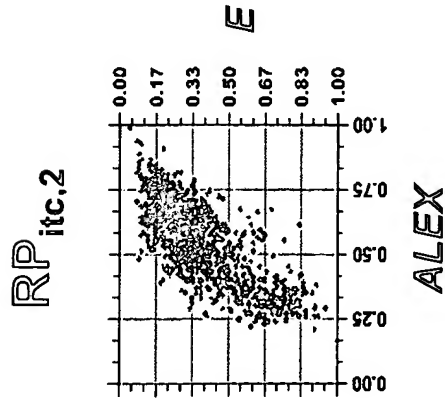
RPo + ApA
+ 12.5 μM UTP/GTP/ATP
(RD_{e,11})



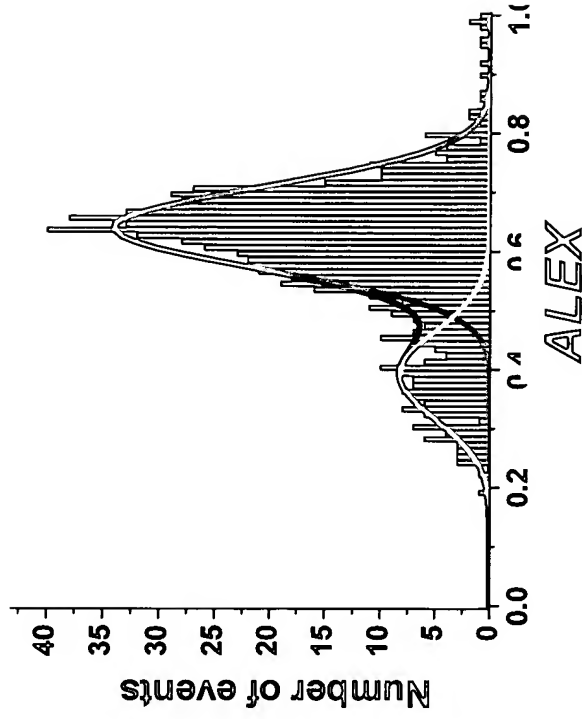
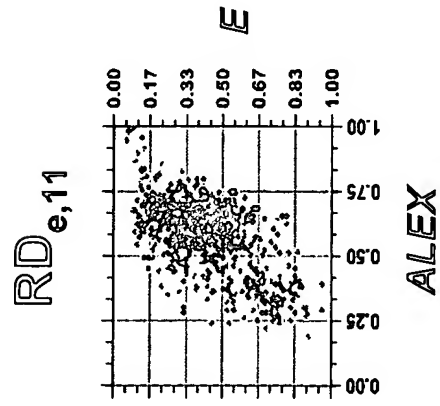
RPo + ApA
+ 60 μM NTPs
(chase)



DIRECT OBSERVATION OF SIGMA NON-RELEASE: LEADING-EDGE SPFRET



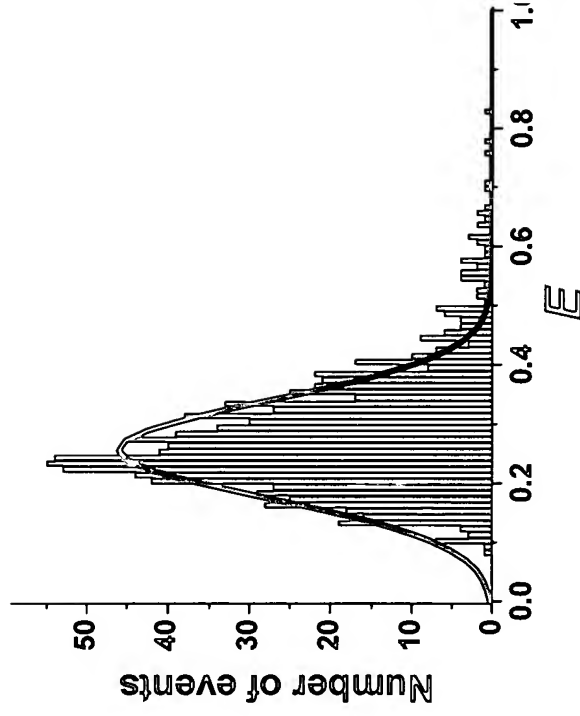
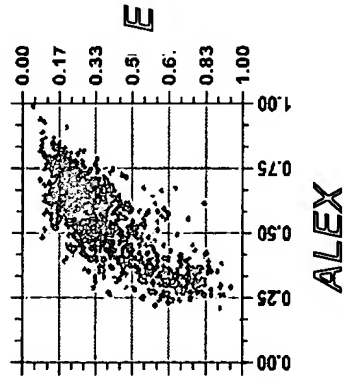
~20% dissociation



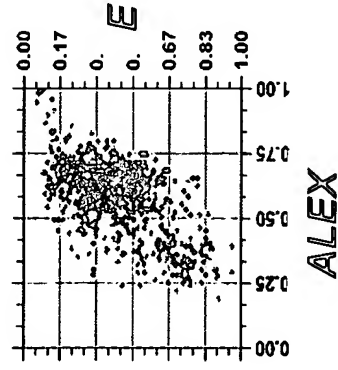
~20% dissociation

E HISTOGRAM MONITORS ABILITY OF RNAP TO TRANSLOCATE UPON ESCAPE: LEADING-EDGE SPRET

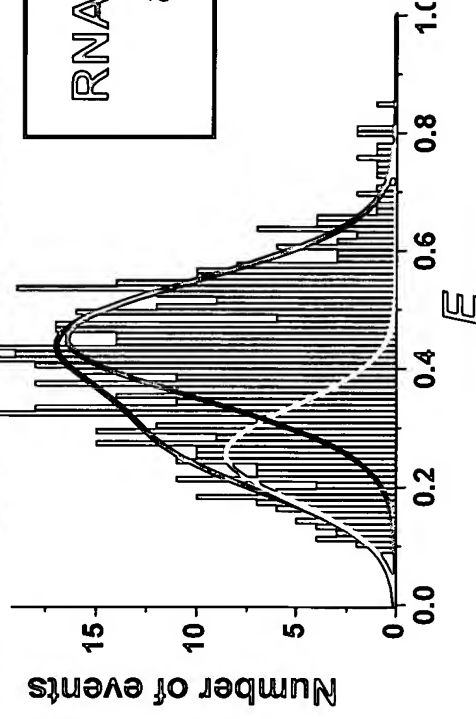
RPO + ApA (RP_{itc,2})



RPO + ApA + 12.5 μM UTP/GTP/ATP
(RD_{e,11})



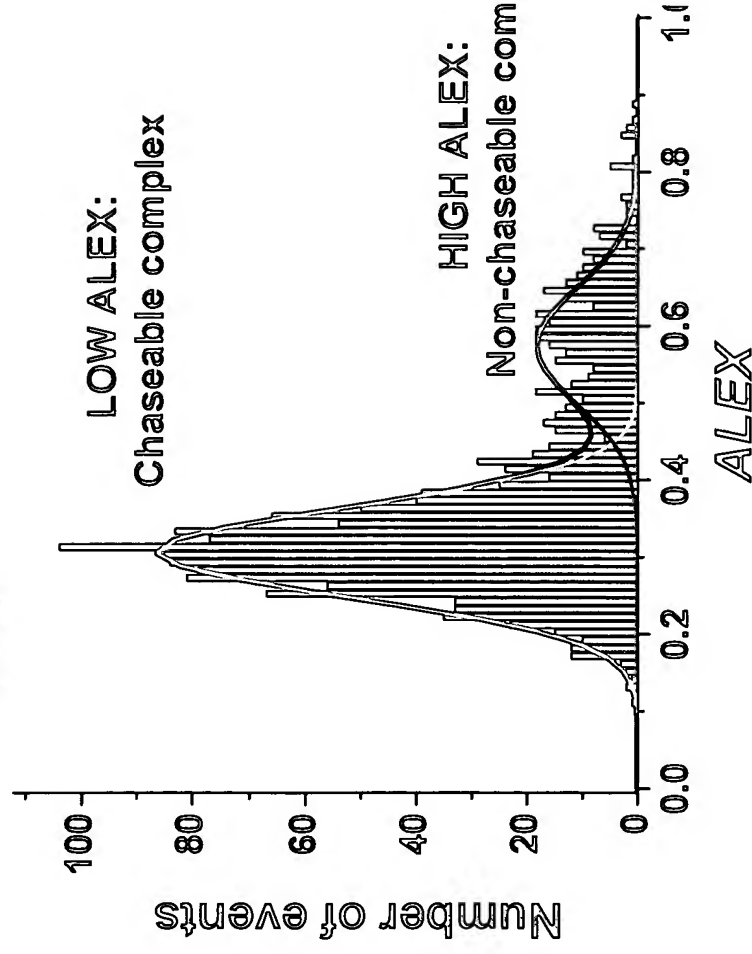
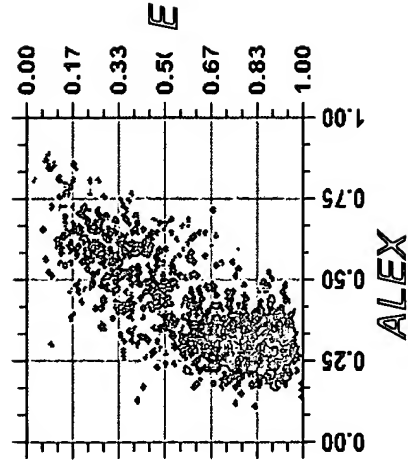
LOW E: Inactive RNAP HIGH E: Active RNAP



RNAP translocational activity = 72%

DISSOCIATION HISTOGRAM MONITORS ABILITY OF RNAP TO BE “CHASED”: LEADING-EDGE SPRET

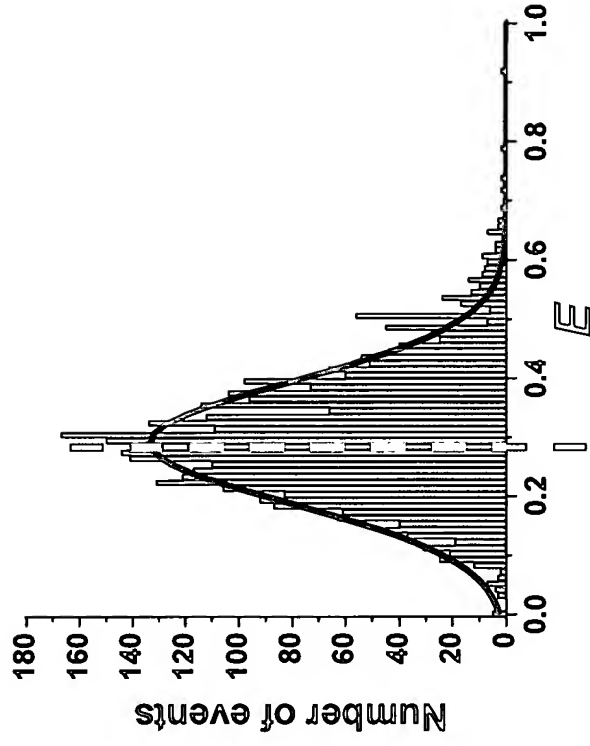
RPO + ApA + 60 μ M NTPs (chase)



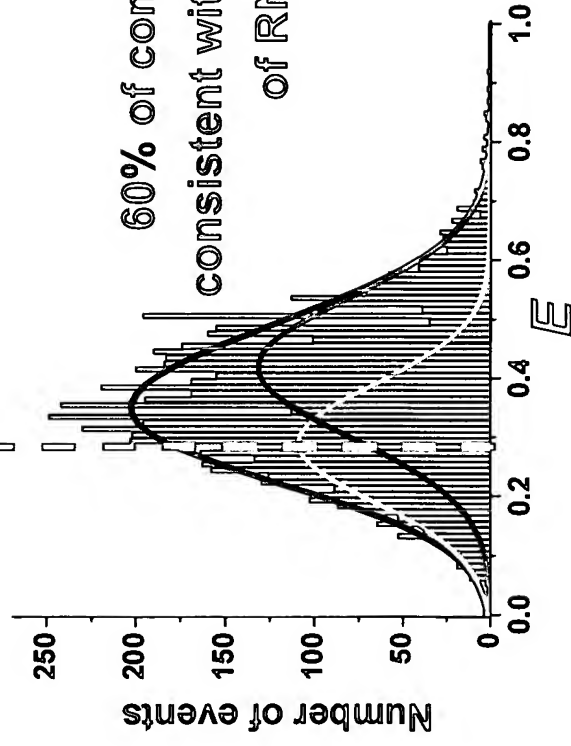
RNAP “chaseability”
= 80%

LEADING-EDGE spFRET DETECTS MOVEMENT OF LEADING EDGE DURING ABORTIVE INITIATION

RPO + ApA
(RP_{itc,2})



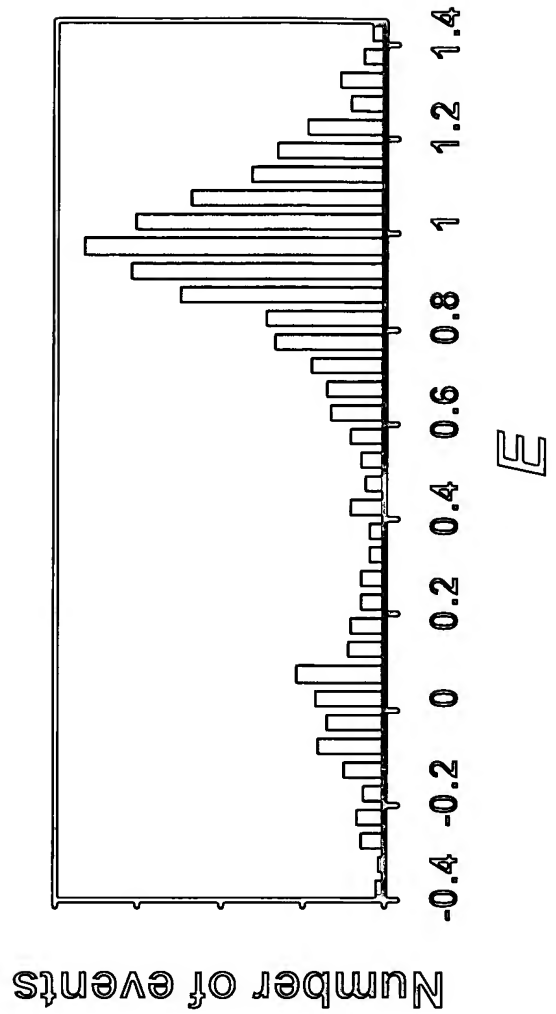
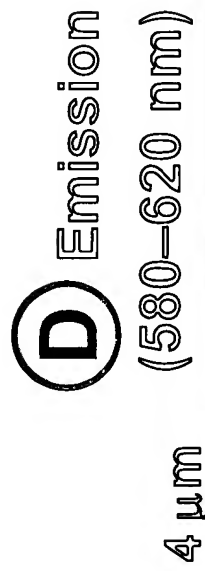
RPO + ApA
+ 25 μ M UTP/GTP
(RD_{e,7})



60% of complexes show higher E ;
consistent with downstream movement
of RNAP leading edge

TRAILING-EDGE SPRET ON SURFACE-IMMOBILIZED RP₀ COMPLEXES

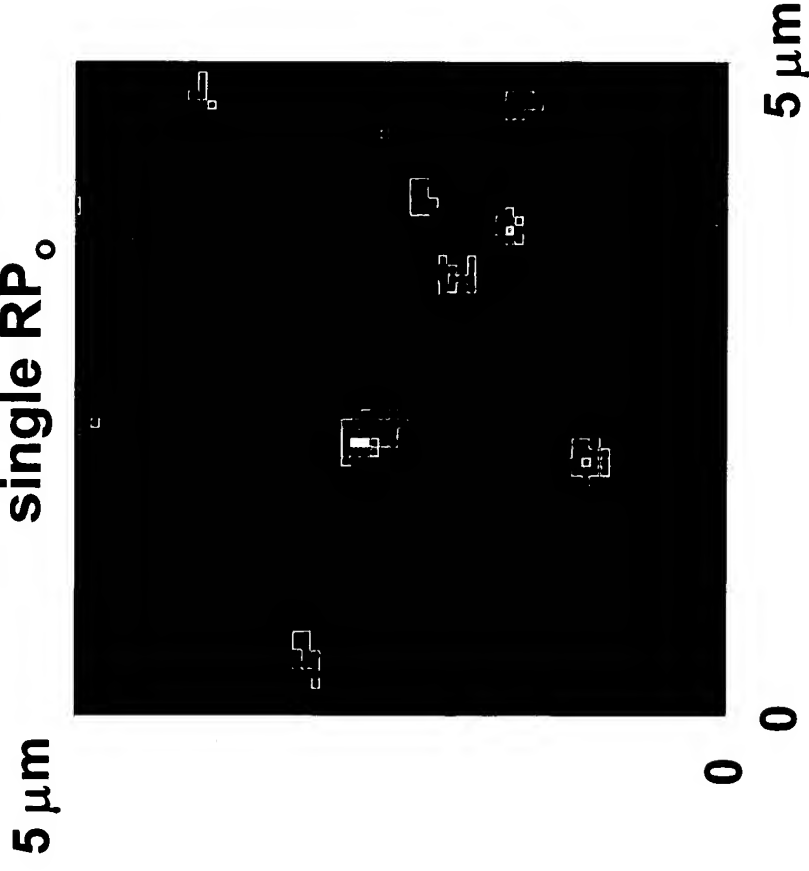
Excitation: 514 nm line of Ar⁺ laser



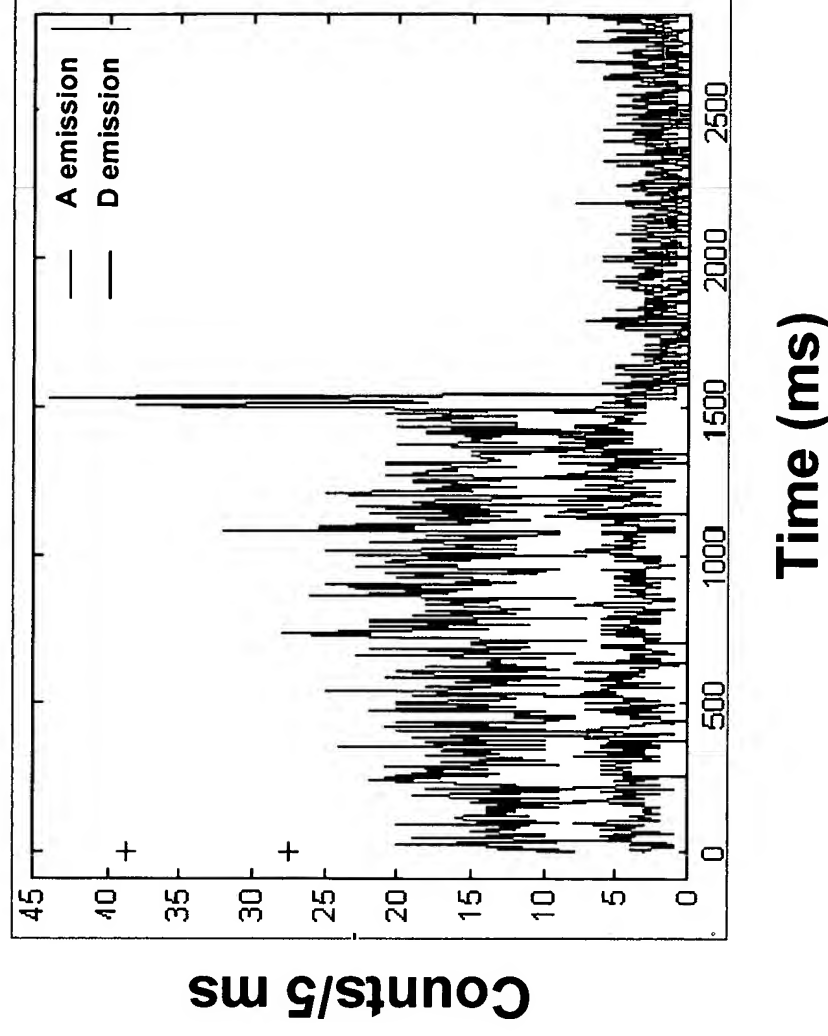
$$E = \frac{I_A}{I_A + \gamma I_D}$$

IMAGING AND TIME-TRAJECTORIES OF SINGLE RP₀ COMPLEXES

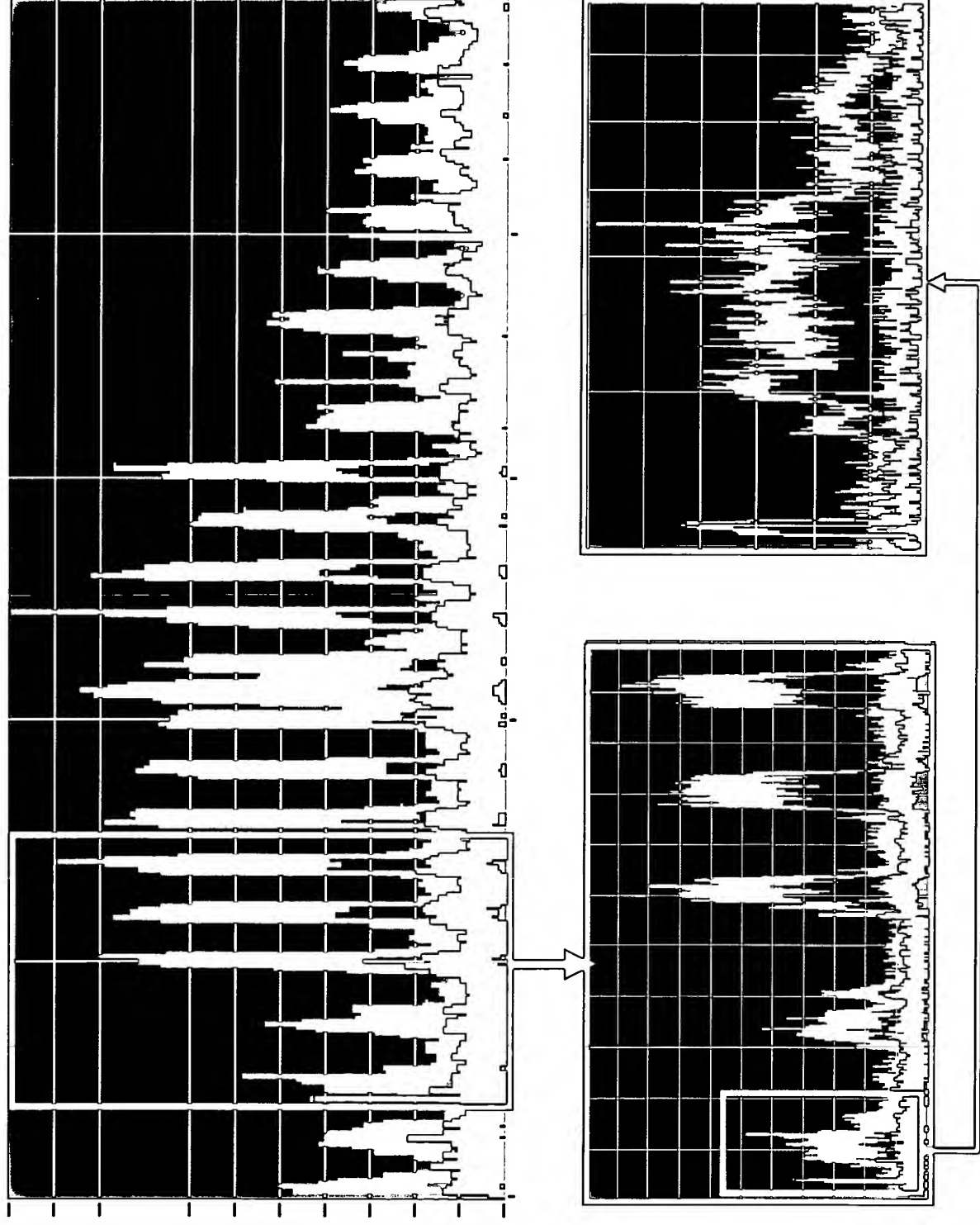
Single-step
photobleaching:
evidence for imaging
single RP₀.



Time-trajectory for a single
RP₀ showing TE-FRET



MONITORING SINGLE-ENZYME DYNAMICS ON IMMOBILIZED MOLECULES



CONCLUSIONS

- Developed robust assays for analysis of structure, dynamics, and activity of protein-DNA complexes
- Confirmed sigma presence in early elongation complexes
- Determined activity for translocation and for chase reactions
- Detected movement of leading edge during abortive initiation
- Future work:
 - Abortive initiation mechanism
 - Sigma dynamics at various transcription steps

ACKNOWLEDGEMENTS

Shimon Weiss (UCLA)

Sören Doose

Thilo Lacoste

Ted Laurence

Nam Ki Lee

Emmanuel Margeat

Xavier Michalet

Collaborators:

Richard Ebright (Rutgers U.)

Ekaterine Kortkhonja

Vladimir Mekler

Jayanta Mukhopadhyay

Andrey Revyakin

Philip Tinnefeld (U.Heidelberg)

and all SMBs!



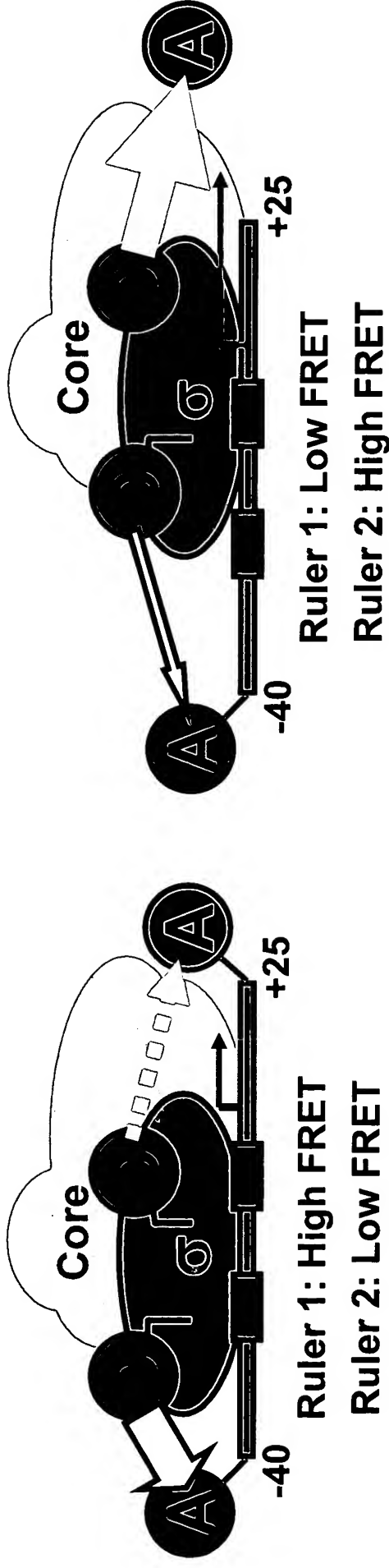
Single Molecule Biophysics Group

Funding: DOE, NIH

TRAILING-EDGE and LEADING-EDGE FRET:

Assay of translocation of a protein relative to a nucleic acid

Trailing-edge/leading-edge FRET (TELE-FRET)



Step-Sequence of formation of promoter contacts using 2 FRET rulers

